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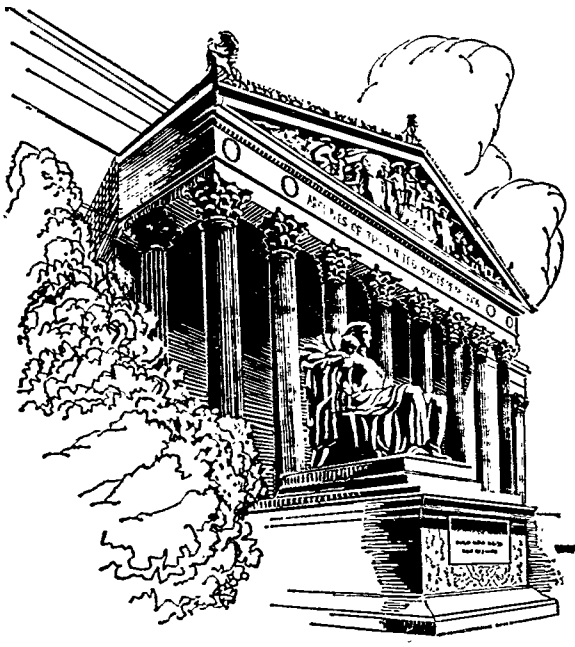

How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Title 4—ACCOUNTS

Chapter II—Federal Claims Collection Standards (General Accounting Office—Department of Justice)

JOINT REGULATIONS PRESCRIBING STANDARDS FOR ADMINISTRATIVE COLLECTION, COMPROMISE, TERMINATION OF AGENCY COLLECTION ACTION, AND REFERRAL TO GENERAL ACCOUNTING OFFICE, AND TO DEPARTMENT OF JUSTICE FOR LITIGATION, OF CIVIL CLAIMS BY GOVERNMENT FOR MONEY OR PROPERTY

Pursuant to section 3 of the Federal Claims Collection Act of 1966, 80 Stat. 309, Title 4 of the Code of Federal Regulations is amended to promulgate joint regulations prescribing standards for the administrative collection, compromise, termination of agency collection action, and the referral to the General Accounting Office, and to the Department of Justice for litigation, of civil claims by the Government for money or property, by adding a new Chapter II as follows:

Part
101 Scope of standards.
102 Standards for the administrative collection of claims.
103 Standards for the compromise of claims.
104 Standards for suspending or terminating collection action.
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PART 101—SCOPE OF STANDARDS

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101.7 Required administrative proceedings.
101.8 Referral for litigation.

AUTHORITY: The provisions of this Part 101 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 101.1 Prescription of standards.

The regulations in this chapter, issued jointly by the Comptroller General of the United States and the Attorney General of the United States under section 3 of the Federal Claims Collection Act of 1966, 80 Stat. 309, prescribe standards for the administrative collection, compromise, termination of agency collection action, and the referral to the General Accounting Office, and to the Department of Justice for litigation, of civil claims by the Federal Government for money or property. Regulations prescribed by the head of an agency pursuant to section 3 of the Federal Claims Collection Act of 1966 will be reviewed by the General Accounting Office as a part of its audit of the agency's activities.

§ 101.2 Omissions not a defense.

The standards set forth in this chapter shall apply to the administrative handling of civil claims of the Federal Government for money or property but the failure of an agency to comply with any provision of this chapter shall not be available as a defense to any debtor.

§ 101.3 Fraud, antitrust, and tax claims excluded.

The standards set forth in this chapter do not apply to the handling of any claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, or to any claim based in whole or in part on conduct in violation of the antitrust laws. Only the Department of Justice has authority to compromise or terminate collection action on such claims. However, matters submitted to the Department of Justice for consideration without compliance with the regulations in this chapter because there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, may be returned to the agency forwarding them for further handling in accordance with the regulations in this chapter if it is determined that action based upon the alleged fraud, false claim, or misrepresentation is not warranted. Tax claims, as to which differing exemptions, administrative consideration, enforcement considerations, and statutes apply, are also excluded from the coverage of this chapter.

§ 101.4 Compromise, waiver, or disposition under other statutes not precluded.

Nothing contained in this chapter is intended to preclude agency disposition of any claim under statutes other than the Federal Claims Collection Act of 1966, 80 Stat. 308, providing for the compromise, termination of collection action, or waiver in whole or in part of such a claim. See, e.g., "The Federal Medical Care Recovery Act," 76 Stat. 593, 42 U.S.C. 2651, et seq., and applicable regulations, 28 CFR 43.1, et seq. The standards set forth in this chapter should be followed in the disposition of civil claims by the Federal Government by compromise or termination of collection action (other than by waiver pursuant to statutory authority) under statutes other than the Federal Claims Collection Act of 1966, 80 Stat. 308, to the extent such other statutes or authorized regulations issued pursuant thereto do not establish standards governing such matters.

§ 101.5 Conversion claims.

The instructions contained in this chapter are directed primarily to the recovery of money on behalf of the Government and the circumstances in which Government claims may be disposed of for less than the full amount claimed. Nothing contained in this chapter is intended, however, to deter an agency from demanding the return of specific property or from demanding, in the alternative, either the return of property or the payment of its value.

§ 101.6 Subdivision of claims not authorized.

A debtor's liability arising from a particular transaction or contract shall be considered as a single claim in determining whether the claim is one of less than $20,000, exclusive of interest, for the purpose of compromise or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Federal Claims Collection Act of 1966, 80 Stat. 308.

§ 101.7 Required administrative proceedings.

Nothing contained in this chapter is intended to require an agency to omit or foreclose administrative proceedings required by contract or by law.

§ 101.8 Referral for litigation.

As used in this chapter referral for litigation means referral to the Department of Justice for appropriate legal proceedings, unless the agency concerned has statutory authority for handling its own litigation.

PART 102—STANDARDS FOR THE ADMINISTRATIVE COLLECTION OF CLAIMS

Sec.
102.1 Aggressive agency collection action.
102.2 Demand for payment.
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102.4 Personal interview with debtor.
102.5 Contact with debtor's employing agency.
102.6 Suspension or revocation of license or eligibility.
102.7 Liquidation of collateral.
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102.10 Interest.
102.11 Documentation of administrative collection action.
102.12 Additional administrative collection action.

AUTHORITY: The provisions of this Part 102 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 102.1 Aggressive agency collection action.

The head of an agency or his designee shall take aggressive action, on a timely basis with effective followup, to collect all claims of the United States for money or property arising out of the activities of,

or referred to, his agency in accordance with the standards set forth in this chapter. However, nothing contained in this chapter is intended to require the General Accounting Office or the Department of Justice to duplicate collection actions previously undertaken by any other agency.

§ 102.2 Demand for payment.

Appropriate written demands shall be made upon a debtor of the United States in terms which inform the debtor of the consequences of his failure to cooperate. Three written demands, at 30-day intervals, will normally be made unless a response to the first or second demand indicates that further demand would be futile or unless prompt suit or attachment is required in anticipation of the departure of the debtor or debtors from the jurisdiction or his or their removal or transfer of assets, or the running of the statute of limitations. There should be no undue time lag in responding to any communication received from the debtor or debtors.

§ 102.3 Collection by offset.

Collections by offset will be undertaken administratively on claims which are liquidated or certain in amount in every instance in which this is feasible. Collections by offset from persons receiving pay or compensation from the Federal Government shall be effected over a period not greater than the period during which such pay or compensation is to be received. See 5 U.S.C. 5514. Collection by offset against a judgment obtained by the debtor against the United States shall be accomplished in accordance with the Act of March 3, 1875, 18 Stat. 481, as amended, 31 U.S.C. 227. Appropriate use should be made of the cooperative efforts of other agencies in effecting collections by offset, including utilization of the Army Holdup List, and all agencies are enjoined to cooperate in this endeavor.

§ 102.4 Personal interview with debtor.

Agencies will undertake personal interviews with their debtors when this is feasible, having regard for the amounts involved and the proximity of agency representatives to such debtors.

§ 102.5 Contact with debtor's employing agency.

When a debtor is employed by the Federal Government or is a member of the military establishment or the Coast Guard, and collection by offset cannot be accomplished in accordance with 5 U.S.C. 5514, the employing agency will be contacted for the purpose of arranging with the debtor for payment of the indebtedness by allotment or otherwise in accordance with section 206 of Executive Order 11222 of May 8, 1965, 3 CFR, pp. 130, 131 (1965 Supp.) (30 F.R. 6469).

§ 102.6 Suspension or revocation of license or eligibility.

Agencies seeking the collection of statutory penalties, forfeitures, or debts provided for as an enforcement aid or for compelling compliance will give serious consideration to the suspension or revocation of licenses or other privileges for any inexcusable, prolonged or repeated failure of a debtor to pay such a claim and the debtor will be so advised. Any agency making, guaranteeing, insuring, acquiring, or participating in loans will give serious consideration to suspending or disqualifying any lender, contractor, broker, borrower or other debtor from doing further business with it or engaging in programs sponsored by it if such a debtor fails to pay its debts to the Government within a reasonable time and the debtor will be so advised. The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported to the Treasury Department at once. Notification that a surety's certificate of authority to do business with the Federal Government has been revoked or forfeited by the Treasury Department will be forwarded by that Department to all interested agencies.

§ 102.7 Liquidation of collateral.

Agencies holding security or collateral which may be liquidated and the proceeds applied on debts due it through the exercise of a power of sale in the security instrument or a non-judicial foreclosure should do so by such procedures if the debtor fails to pay his debt within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure. Collection from other sources, including liquidation of security or collateral, is not a prerequisite to requiring payment by a surety or insurance concern unless such action is expressly required by statute or contract.

§ 102.8 Collection in installments.

Claims, with interest in accordance with section 102.10 of this chapter, should be collected in full in one lump sum whenever this is possible. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments. The size and frequency of such installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. If possible the installment payments should be sufficient in size and frequency to liquidate the Government's claim in not more than 3 years. Installment payments of less than $10 per month should be accepted in only the most unusual circumstances. An agency holding an unsecured claim for administrative collection should attempt to obtain an executed confess-judgment note, comparable to the Department of Justice form USA–70a, from a debtor when the total amount of the deferred installments will exceed $750. Such notes may be sought when an unsecured obligation of a lesser amount is involved. Security for deferred payments, other than a confess-judgment note, may be accepted in appropriate cases. An agency may accept installment payments notwithstanding the refusal of a debtor to execute a confess-judgment note or to give other security, at the agency's option.

§ 102.9 Exploration of compromise.

Agencies will attempt to effect compromises (preferably during the course of personal interviews), of claims of $20,000 or less exclusive of interest, in accordance with the standards set forth in Part 103 of this chapter in all cases in which it can be ascertained that the debtor's financial ability will not permit payment of the claim in full, or in which the litigative risks or the costs of litigation dictate such action.

§ 102.10 Interest.

In cases in which prejudgment interest is not mandated by statute, contract or regulation, the agency may forego the collection of prejudgment interest as an inducement to voluntary payment. In such cases demand letters should inform the debtor that prejudgment interest will be collected if suit becomes necessary. When a debt is paid in installments and interest is collected, the installment payments will first be applied to the payment of accrued interest and then to principal, in accordance with the so-called "U.S. Rule", unless a different rule is prescribed by statute, contract or regulation. Prejudgment interest should not be demanded or collected on civil penalty and forfeiture claims unless the statute under which the claim arises authorizes the collection of such interest. See Rodgers v. United States, 332 U.S. 371.

§ 102.11 Documentation of administrative collection action.

All administrative collection action should be documented and the bases for compromise, or for termination or suspension of collection action, should be set out in detail. Such documentation should be retained in the appropriate claims file.

§ 102.12 Additional administrative collection action.

Nothing contained in this chapter is intended to preclude the utilization of any other administrative remedy which may be available.

PART 103—STANDARDS FOR THE COMPROMISE OF CLAIMS

Sec.
103.1 Scope and application.
103.2 Inability to pay.
103.3 Litigative probabilities.
103.4 Cost of collecting claim.
103.5 Enforcement policy.
103.6 Joint and several liability.
103.7 Settlement for a combination of reasons.
103.8 Further review of compromise offers.
103.9 Restrictions.

AUTHORITY: The provisions of this Part 103 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 103.1 Scope and application.

The standards set forth in this part apply to the compromise of claims, pursuant to section 3(b) of the Federal Claims Collection Act of 1966, 80 Stat. 309, which do not exceed $20,000 exclusive of interest. The head of an agency or his designee may exercise such com-

promise authority with respect to claims for money or property arising out of the activities of his agency prior to the referral of such claims to the General Accounting Office or to the Department of Justice for litigation. The Comptroller General or his designee may exercise such compromise authority with respect to claims referred to the General Accounting Office prior to their further referral for litigation. Only the Comptroller General or his designee may effect the compromise of a claim that arises out of an exception made by the General Accounting Office in the account of an accountable officer, including a claim against the payee, prior to its referral by that Office for litigation.

§ 103.2 Inability to pay.

A claim may be compromised pursuant to this part if the Government cannot collect the full amount because of (a) the debtor's inability to pay the full amount within a reasonable time, or (b) the refusal of the debtor to pay the claim in full and the Government's inability to enforce collection in full within a reasonable time by enforced collection proceedings. In determining the debtor's inability to pay the following factors, among others, may be considered: Age and health of the debtor; present and potential income; inheritance prospects; the possibility that assets have been concealed or improperly transferred by the debtor; the availability of assets or income which may be realized upon by enforced collection proceedings. The agency will give consideration to the applicable exemptions available to the debtor under State and Federal law in determining the Government's ability to enforce collection. Uncertainty as to the price which collateral or other property will bring at forced sale may properly be considered in determining the Government's ability to enforce collection. A compromise effected under this section should be for an amount which bears a reasonable relation to the amount which can be recovered by enforced collection procedures, having regard for the exemptions available to the debtor and the time which collection will take. Compromises payable in installments are to be discouraged. However, if payment of a compromise by installments is necessary, an agreement for the reinstatement of the prior indebtedness less sums paid thereon and acceleration of the balance due upon default in the payment of any installment should be obtained, together with security in the manner set forth in § 102.8 of this chapter, in every case in which this is possible. If the agency's files do not contain reasonably up-to-date credit information as a basis for assessing a compromise proposal such information may be obtained from the individual debtor by obtaining a statement executed under penalty of perjury showing the debtor's assets and liabilities, income and expense. Forms such as Department of Justice form DJ-35 may be used for this purpose. Similar data may be obtained from corporate debtors by resort to balance sheets and such additional data as seems required.

§ 103.3 Litigative probabilities.

A claim may be compromised pursuant to this part if there is a real doubt concerning the Government's ability to prove its case in court for the full amount claimed either because of the legal issues involved or a bona fide dispute as to the facts. The amount accepted in compromise in such cases should fairly reflect the probability of prevailing on the legal question involved, the probabilities with respect to full or partial recovery of a judgment having due regard to the availability of witnesses and other evidentiary support for the Government claim, and related pragmatic considerations. Proportionate weight should be given to the probable amount of court costs which may be assessed against the Government if it is unsuccessful in litigation, having regard for the litigative risks involved. Cf. 28 U.S.C. 2412, as amended by Public Law 89-507, 80 Stat. 308.

§ 103.4 Cost of collecting claim.

A claim may be compromised pursuant to this part if the cost of collecting the claim does not justify the enforced collection of the full amount. The amount accepted in compromise in such cases may reflect an appropriate discount for the administrative and litigative costs of collection having regard for the time which it will take to effect collection. Cost of collecting may be a substantial factor in the settlement of small claims. The cost of collecting claims normally will not carry great weight in the settlement of large claims.

§ 103.5 Enforcement policy.

Statutory penalties, forfeitures, or debts established as an aid to enforcement and to compel compliance may be compromised pursuant to this part if the agency's enforcement policy in terms of deterrence and securing compliance, both present and future, will be adequately served by acceptance of the sum to be agreed upon. Mere accidental or technical violations may be dealt with less severely than willful and substantial violations.

§ 103.6 Joint and several liability.

When two or more debtors are jointly and severally liable collection action will not be withheld against one such debtor until the other or others pay their proportionate share. The agency should not attempt to allocate the burden of paying such claims as between the debtors but should proceed to liquidate the indebtedness as quickly as possible. Care should be taken that compromise with one such debtor does not release the agency's claim against the remaining debtors. The amount of a compromise with one such debtor shall not be considered a precedent or as morally binding in determining the amount which will be required from other debtors jointly and severally liable on the claim.

§ 103.7 Settlement for a combination of reasons.

A claim may be compromised for one or for more than one of the reasons authorized in this part.

§ 103.8 Further review of compromise offers.

If an agency holds a debtor's firm written offer of compromise which is substantial in amount and the agency is uncertain as to whether the offer should be accepted, it may refer the offer, the supporting data, and particulars concerning the claim to the General Accounting Office or to the Department of Justice. The General Accounting Office or the Department of Justice may act upon such an offer or return it to the agency with instructions or advice.

§ 103.9 Restrictions.

Neither a percentage of a debtor's profits nor stock in a debtor corporation will be accepted in compromise of a claim. In negotiating a compromise with a business concern consideration should be given to requiring a waiver of the tax-loss-carry-forward and tax-loss-carry-back rights of the debtor.

PART 104—STANDARDS FOR SUSPENDING OR TERMINATING COLLECTION ACTION

Sec.
104.1 Scope and application.
104.2 Suspension of collection activity.
104.3 Termination of collection activity.
104.4 Transfer of claims.

AUTHORITY: The provisions of this Part 104 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 104.1 Scope and application.

The standards set forth in this part apply to the suspension or termination of collection action pursuant to section 3(b) of the Federal Claims Collection Act of 1966, 80 Stat. 309, on claims which do not exceed $20,000 exclusive of interest. The head of an agency or his designee may suspend or terminate collection action under this part with respect to claims for money or property arising out of activities of his agency prior to the referral of such claims to the General Accounting Office or to the Department of Justice for litigation. The Comptroller General or his designee may exercise such authority with respect to claims referred to the General Accounting Office prior to their further referral for litigation.

§ 104.2 Suspension of collection activity.

Collection action may be suspended temporarily on a claim when the debtor cannot be located after diligent effort and there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim having consideration for its size and the amount which may be realized thereon. The following sources may be of assistance in locating missing debtors: Telephone directories; city directories; postmasters; drivers' license

records; automobile title and license records; state and local governmental agencies; district directors of Internal Revenue; other Federal agencies; employers, relatives, friends; credit agency skip locate reports. Suspension as to a particular debtor should not defer the early liquidation of security for the debt. Every reasonable effort should be made to locate missing debtors sufficiently in advance of the bar of the applicable statute of limitations, such as Public Law 89–505, 80 Stat. 304, to permit the timely filing of suit if such action is warranted. If the missing debtor has signed a confess-judgment note and is in default, referral of the note for the entry of judgment should not be delayed because of his missing status. Collection action may be suspended temporarily on a claim when the debtor owns no substantial equity in realty and is unable to make payments on the Government's claim or effect a compromise thereof at the time but his future prospects justify retention of the claim for periodic review and action and (a) the applicable statute of limitations has been tolled or started running anew or (b) future collection can be effected by offset notwithstanding the statute of limitations.

§ 104.3 Termination of collection activity.

The head of an agency or his designee may terminate collection activity and consider the agency's file on the claim closed under the following standards:

(a) *Inability to collect any substantial amount.* Collection action may be terminated on a claim when it becomes clear that the Government cannot collect or enforce collection of any significant sum from the debtor having due regard for the judicial remedies available to the Government, the debtor's future financial prospects, and the exemptions available to the debtor under State and Federal law. In determining the debtor's inability to pay the following factors, among others, may be considered: Age and health of the debtor; present and potential income; inheritance prospects; the possibility that assets have been concealed or improperly transferred by the debtor; the availability of assets or income which may be realized upon by enforced collection proceedings.

(b) *Inability to locate debtor.* Collection action may be terminated on a claim when the debtor cannot be located, there is no security remaining to be liquidated, the applicable statute of limitations has run, and the prospects of collecting by offset notwithstanding the bar of the statute of limitations is too remote to justify retention of the claim.

(c) *Cost will exceed recovery.* Collection action may be terminated on a claim when it is likely that the cost of further collection action will exceed the amount recoverable thereby.

(d) *Claim legally without merit.* Collection action should be terminated on a claim whenever it is determined that the claim is legally without merit.

(e) *Claim cannot be substantiated by evidence.* Collection action should be terminated when it is determined that the evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable and efforts to induce voluntary payment are unavailing.

§ 104.4 Transfer of claims.

When an agency has doubt as to whether collection action should be suspended or terminated on a claim it may refer the claim to the General Accounting Office for advice. When a significant enforcement policy is involved in reducing a statutory penalty or forfeiture to judgment, or recovery of a judgment is a prerequisite to the imposition of administrative sanctions, such as the suspension or revocation of a license or the privilege of participating in a Government sponsored program, an agency may refer such a claim for litigation even though termination of collection activity might otherwise be given consideration under § 104.3 (a) or (c). Claims on which an agency holds a judgment by assignment or otherwise will be referred to the Department of Justice for further action if renewal of the judgment lien or enforced collection proceedings are justified under the criteria discussed in this part, unless the agency concerned has statutory authority for handling its own litigation.

PART 105—REFERRALS TO GAO OR FOR LITIGATION

Sec.
105.1 Prompt referral.
105.2 Current address of debtor.
105.3 Credit data.
105.4 Report of prior collection actions.
105.5 Preservation of evidence.
105.6 Minimum amount of referrals to the Department of Justice.
105.7 Referrals to GAO.

AUTHORITY: The provisions of this Part 105 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 105.1 Prompt referral.

Claims on which collection action has been taken in accordance with Part 102 of this chapter and which cannot be compromised, or on which collection action cannot be suspended or terminated, in accordance with Parts 103 and 104 of this chapter, will be referred to the General Accounting Office in accordance with R.S. 236, as amended, 31 U.S.C. 71, or to the Department of Justice, if the agency concerned has been granted an exception from referrals to the General Accounting Office. Such referrals should be made as early as possible consistent with aggressive agency collection action and the observance of the regulations contained in this chapter and in any event well within the time limited for bringing a timely suit against the debtor.

§ 105.2 Current address of debtor.

Referrals to the General Accounting Office, and to the Department of Justice for litigation, will be accompanied by the current address of the debtor or the name and address of the agent for a corporation upon whom service may be made. Reasonable and appropriate steps will be taken to locate missing parties in all cases. Referrals to the General Accounting Office, and referrals to the Department of Justice for the institution of foreclosure or other proceedings, in which the current address of any party is unknown will be accompanied by a listing of the prior known addresses of such a party and a statement of the steps taken to locate him.

§ 105.3 Credit data.

(a) Claims referred to the General Accounting Office, and to the Department of Justice for litigation, will be accompanied by reasonably current credit data indicating that there is a reasonable prospect of effecting enforced collections from the debtor, having due regard for the exemptions available to the debtor under State and Federal law and the judicial remedies available to the Government.

(b) Such credit data may take the form of (1) a commercial credit report, (2) an agency investigative report showing the debtor's assets and liabilities and his income and expenses, (3) the individual debtor's own financial statement executed under penalty of perjury reflecting his assets and liabilities and his income and expenses, or (4) an audited balance sheet of a corporate debtor.

(c) Such credit data may be omitted if (1) a surety bond is available in an amount sufficient to satisfy the claim in full, (2) the forced sale value of the security available for application to the Government's claim is sufficient to satisfy its claim in full, (3) the referring agency wishes to liquidate loan collateral through judicial foreclosure but does not desire a deficiency judgment, (4) the debtor is in bankruptcy or receivership, or (5) the debtor's liability to the Government is fully covered by insurance, in which case the agency will furnish such information as it can develop concerning the identity and address of the insurer and the type and amount of insurance coverage.

§ 105.4 Report of prior collection actions.

A checklist or brief summary of the actions previously taken to collect or compromise a claim will be forwarded with the claim upon its referral to the General Accounting Office or to the Department of Justice. If any of the administrative collection actions enumerated in Part 102 of this chapter have been omitted, the reason for their omission will be given with the referral. The General Accounting Office and the Department of Justice may return or retain claims at their option when there is insufficient justification for the omission of one or more of the administrative collection actions enumerated in Part 102 of this chapter.

§ 105.5 Preservation of evidence.

Care will be taken to preserve all files, records and exhibits on claims referred or to be referred to the General Accounting Office, or to the Department of Justice for litigation.

§ 105.6 Minimum amount of referrals to the Department of Justice.

Agencies will not refer claims of less than $250, exclusive of interest, for litigation unless (a) referral is important to a significant enforcement policy or (b) the debtor has not only the clear ability to pay the claim but the Government can effectively enforce payment having due regard to the exemptions available to the debtor under State or Federal law and the judicial remedies available to the Government.

§ 105.7 Referrals to GAO.

Referrals of claims to the General Accounting Office will be in accordance with instructions, including monetary limitations, contained in the General Accounting Office Policy and Procedures Manual for the Guidance of Federal Agencies.

The foregoing joint regulations shall become effective upon the 15th day of January 1967.

Signed at Washington, D.C.

ELMER B. STAATS,
Comptroller General.

OCTOBER 11, 1966.

RAMSEY CLARK,
Acting Attorney General.

OCTOBER 7, 1966.

[F.R. Doc. 66-11266; Filed, Oct. 14, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangerine Reg. 32]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 17, 1966. The Growers Administrative Committee held an open meeting on October 11, 1966, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of tangerines grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the production area at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

§ 905.433 Tangerine Regulation 32.

(a) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., October 17, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall, except to the extent otherwise permitted under this paragraph, ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2\frac{6}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(2) During any week of the aforesaid period, any handler may ship a quantity of tangerines which are smaller than the size prescribed in subparagraph (1) (ii) of this paragraph if (i) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total standard packed boxes of all sizes of tangerines shipped by such handler during the same week; and (ii) such smaller tangerines are of a size not smaller than $2\frac{4}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Tangerines.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., e.s.t., on Monday of one calendar week and ending at 12:01 a.m., e.s.t., on Monday of the following calendar week; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (7 CFR 51.1810–51.1834).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 12, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11300; Filed, Oct. 14, 1966; 8:50 a.m.]

[Valencia Orange Reg. 183]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.483 Valencia Orange Regulation 183.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges

and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 13, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 16, 1966, and ending at 12:01 a.m., P.s.t., October 23, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11333; Filed, Oct. 14, 1966; 11:15 a.m.]

[Lemon Reg. 236]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.536 Lemon Regulation 236.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 11, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 16, 1966, and ending at 12:01 a.m., P.s.t., October 23, 1966, are hereby fixed as follows:

(i) District 1: 5,580 cartons;

(ii) District 2: 84,630 cartons;

(iii) District 3: 109,740 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 13, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11299; Filed, Oct. 14, 1966; 8:50 a.m.]

[Avocado Order 8, Amdt. 5]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the stage of maturity of the variety of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on October 12, 1966. After consideration of all available information relative to the growing conditions prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such

provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.308 (31 F.R. 7394, 8592, 9678, 12398, 13135) are hereby amended by changing the date "10/17/66" in Table I applicable to the Booth 8 variety of avocados to "10/24/66", and the date "October 17, 1966", in subparagraph (6) to "October 24, 1966".

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., October 17, 1966.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 13, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11321; Filed, Oct. 14, 1966; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Visas

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 211.1 is amended to read as follows:

§ 211.1 Visas.

(a) *General.* A valid unexpired immigrant visa shall be presented by each arriving immigrant alien applying for admission to the United States for lawful permanent residence, except an immigrant alien who: (1) Is a child born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa; or (2) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States, provided the child's application for admission to the United States is made within 2 years of his birth, the child is accompanied by his parent who is applying for readmission as a permanent resident upon the first return of the parent to the United States after the birth of the child, and the accompanying parent is found to be admissible to the United States.

(b) *Aliens returning to an unrelinquished lawful permanent residence—(1) Form I–151, Alien Registration Receipt Card.* In lieu of an immigrant visa, an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year may present Form I–151, Alien Registration Receipt Card, duly issued to him, provided that during such absence he did not travel to, in, or through any of the following places: Albania, Cuba, Outer Mongolia, and Communist portions of China, Korea, or Viet-Nam, and, except for children who have not attained the age of 16 at the time they apply for admission into the United States, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), the Union of Soviet Socialist Republics, or Yugoslavia. The foregoing restrictions shall not apply when the alien has passed in direct and continuous transit through the Soviet Zone of Germany to Berlin from West Germany by automobile, rail, or plane and returned to West Germany; or when the alien has passed in direct and continuous transit through Yugoslavia to or from Austria, Greece, or Italy. An alien regularly serving as a crewman in any capacity required for normal operations and services aboard an aircraft who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year may, in lieu of an immigrant visa, present Form I–151 duly issued to him, notwithstanding travel to, in, or through any of the restricted places named in this subparagraph pursuant to his employment as a crewman. When returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, a spouse or child of a member of the Armed Forces of the United States stationed foreign pursuant to official orders may, in lieu of an immigrant visa, present Form I–151, provided such spouse or child resided abroad with the member of the Armed Forces and is preceding or accompanying the member, or is following to join the member in the United States within 4 months of the member's return, and during the temporary absence did not travel to, in, or through any of the restricted places named in this subparagraph except those named places concerning which the restrictions do not apply when an alien has passed in direct and continuous transit through such areas.

(2) *Reentry permit.* In lieu of an immigrant visa, an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad may present a valid, unexpired reentry permit duly issued to him. A reentry permit shall be invalid when presented by an alien who, during his temporary absence abroad, traveled to, in, or through any restricted place or places named in subparagraph (1) of this paragraph, unless his permit bears an endorsement, or he presents a letter issued to him by an officer of the Service, or by the Department of State, stating that the restriction with respect to any such place or places has been waived. With respect to Albania, Cuba, Outer Mongolia, and Communist portions of China, Korea, and Viet-Nam, a waiver of the restriction will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(3) *Waiver of visas.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad who satisfies the district director in charge of the port of entry that there is good cause for his failure to present an immigrant visa, Form I–151, or reentry permit may, upon application on Form I–193, be granted a waiver of that requirement. If the alien has traveled to, in, or through Albania, Cuba, Outer Mongolia, or Communist portions of China, Korea, or Viet-Nam, a waiver will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(c) *Immigrants having occupational status defined in section 101(a)(15) (A), (E), or (G) of the Act.* An immigrant visa, reentry permit, or Form I–151 shall be invalid when presented by an alien who has an occupational status under section 101(a)(15) (A), (E), or (G) of the Act, unless he has previously submitted, or submits at the time he applies for admission to the United States, the written waiver required by section 247(b) of the Act and Part 247 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits on persons affected thereby.

Dated: October 12, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66–11285; Filed, Oct. 14, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7294; Amdt. 21–12]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Issuance of Class II Provisional Type Certificates and Provisional Amendments to Type Certificates to Foreign Manufacturers

The purpose of this amendment to Part 21 of the Federal Aviation Regula-

tions is to allow certain foreign manufacturers of aircraft to apply for and obtain Class II provisional type certificates and provisional amendments to type certificates. The objective of the regulation is to provide a means whereby air carriers can obtain as much experience as possible with foreign manufactured aircraft which, although safe for flight, have not been approved for the issuance of a type or amended type certificate.

This action was published as a notice of proposed rule making (31 F.R. 5969, Apr. 19, 1966) and circulated as Notice 66-14 dated April 11, 1966. All of the comments received in response to the notice expressed agreement with the objective of the proposal and supported the change. However, the comments also recommended additional changes as discussed below.

Expressing concern over deletion of the requirement that the 100-hours flight time for prototype aircraft must have been under an experimental certificate or under a Class I provisional airworthiness certificate, one commentator recommended that some provision be made to assure that the foreign country of manufacture has prototype requirements at least equivalent to U.S. standards. As the notice stated, applicants for Class II provisional type certificates are limited to those foreign manufacturers who manufacture aircraft in a country with which the United States has an agreement for the acceptance of those aircraft for export and import. Moreover, since an applicant for a provisional certificate must have applied for a type certificate, the prototype requirements for the aircraft are governed by the provisions of § 21.29. Under that section, a foreign country must certify that the foreign manufactured aircraft has been examined, tested and found to meet the airworthiness requirements of the Federal Aviation Regulataions or the airworthiness requirements of the foreign country and any other requirements the Administrator may prescribe to provide a level of safety equivalent to that provided by the Federal Aviation Regulations.

For the foregoing reasons, the Agency does not believe that added regulatory provisions are necessary to assure that the country of manufacture has prototype requirements at least equivalent to U.S. standards.

Another commentator, citing an exemption granted under the predecessor section of proposed § 21.85(d), stated its belief that the requirement for the FAA's flight test program to be in progress as a prerequisite for provisional amendment to a type certificate is unwarranted. The commentator then recommended that consideration be given to making that section compatible with the requirement for issuance of a Class II provisional type certificate.

Insofar as the requirements concerning the existence of a flight test program are concerned, the proposal merely added a clause recognizing that for foreign manufactured aircraft the flight test program would be identified as the program of the foreign country and not necessarily the FAA flight test program. Therefore, the recommendation to delete the requirement that a flight test program must be in progress at the time of the issuance of a Class II provisional type certificate or a provisional amendment to a type certificate goes beyond the scope of the notice. Moreover, contrary to the commentator's position, an examination of the notice in this matter reveals that the requirement concerning the existence of a flight test program is the same for the issuance of a Class II provisional type certificate as for the issuance of a provisional amendment to a type certificate.

Interested persons have been afforded the opportunity to participate in the making of this amendment. All relevant material submitted has been fully considered.

In consideration of the foregoing, Part 21 of the Federal Aviation Regulations is amended effective October 15, 1966, as follows:

1. Section 21.73 is amended by redesignating paragraph (b) as paragraph (c) and inserting the following new paragraph (b):

§ 21.73 Eligibility.

* * * * *

(b) Any manufacturer of aircraft manufactured in a foreign country with which the United States has an agreement for the acceptance of those aircraft for export and import may apply for a Class II provisional type certificate, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.

* * * * *

§ 21.75 [Amended]

2. Section 21.75 is amended by inserting the words "and in the case of the European, African, and Middle East Region, the Chief, Aircraft Certification Staff" immediately after the words "Aircraft Engineering Division."

3. Section 21.83 is amended to read as follows:

§ 21.83 Requirements for issue and amendment of Class II provisional type certificates.

(a) An applicant who manufactures aircraft within the United States is entitled to the issue or amendment of a Class II provisional type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section, and §§ 91.41 and 121.207 of this chapter.

(b) An applicant who manufactures aircraft in a country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to the issue or amendment of a Class II provisional type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (f) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section and §§ 91.41 and 121.207 of this chapter.

(c) The applicant must apply for a type certificate, in the transport category, for the aircraft.

(d) The applicant must hold a U.S. type certificate for at least one other aircraft in the same transport category as the subject aircraft.

(e) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.

(f) The applicant or, in the case of a foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(g) The applicant must submit a report showing that the aircraft has been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in this subchapter.

(h) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(i) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(j) The applicant must show that a prototype aircraft has been flown for at least 100 hours. In the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

4. Section 21.85 is amended to read as follows:

§ 21.85 Provisional amendments to type certificates.

(a) An applicant who manufactures aircraft within the United States is entitled to a provisional amendment to a type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the

appropriate limitations contained in this subchapter.

(b) An applicant who manufactures aircraft in a foreign country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to a provisional amendment to a type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (e) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(c) The applicant must apply for an amendment to the type certificate.

(d) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.

(e) The applicant or, in the case of foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that—

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(f) The applicant must submit a report showing that the aircraft incorporating the modifications involved has been flown in all maneuvers necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in §§ 91.41 and 121.207 of this chapter.

(g) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight maneuvers, loading, and operation of controls and equipment, unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(h) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(i) The applicant must operate a prototype aircraft modified in accordance with the corresponding amendment to the type certificate for the number of hours found necessary by the Administrator.

§ 21.223 [Amended]

5. Section 21.223(a)(2) and (f) is amended by striking out the reference "§ 21.83(g)" and inserting the reference "§ 21.83(h)" in place thereof.

§ 21.225 [Amended]

6. Section 21.225(a)(2) and (e) is amended by striking out the reference to "§ 21.85(f)" and inserting the reference "§ 21.85(g)" in place thereof.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on October 10, 1966.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 66-11263; Filed, Oct. 14, 1966; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-AL-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10537) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area in the vicinity of Cape Decision, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments; but no comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Cape Decision, Alaska, transition area is added as follows:

CAPE DECISION, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 278° bearing from the Cape Decision RBN, extending from 6 miles W to 12 miles W of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles S and 5 miles N of the 278° and 098° bearings from the Cape Decision RBN, extending from 7 miles E of the RBN to the W boundary of Federal Airway Amber 1.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 10, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11238; Filed, Oct. 14, 1966; 8:45 a.m.]

[Airspace Docket No. 66-AL-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10536) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Yakutat, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Aircraft Owners and Pilots Association. For simplicity of charting, the AOPA suggested that a semicircular transition area with a floor of 700 feet or 1,200 feet suitable to fill the traffic control needs be designated. In view of the control zone extensions, it did not appear to the AOPA that there is a need for a 700-foot transition area. Accordingly, they recommended a semicircular transition area with a 1,200-foot floor.

After a review of the AOPA comments, we agree that some simplicity of charting can be met by a slight modification of the control zone extension to the northwest, and the elimination of the 1,200-foot transition area extension to the northwest. However, there is a need for the 15-mile radius, 700-foot floor transition area to protect holding patterns and procedure turn areas. The 1,200-foot transition areas to the southeast and southwest are required to protect aircraft on missed approach procedures.

Since these modifications involve an insignificant amount of additional airspace, the Administrator has determined that further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065) the Yakutat, Alaska, control zone is amended to read:

YAKUTAT, ALASKA

Within a 5-mile radius of Yakutat Airport (latitude 59°30'10" N., longitude 139°39'40" W.); within 2 miles each side of the Yakutat VORTAC 147° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; within 2 miles each side of the Yakutat VORTAC 229° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC; and that airspace within an 8-mile radius of the Yakutat RR, extending clockwise from a line 2.5 miles S of and parallel to the 283° bearing from the Yakutat RR to a line 2 miles NE of and parallel to the 315° bearing from the Yakutat RR.

2. In § 71.181 (31 F.R. 2149) the Yakutat, Alaska transition area is amended to read:

YAKUTAT, ALASKA

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Yakutat RR, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 229° radial, extending from the 15-mile radius areas to 18 miles SW of the VORTAC.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 10, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11264; Filed, Oct. 14, 1966; 8:47 a.m.]

[Airspace Docket No. 66-PC-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10418) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a part-time control zone and alter the transition area at Molokai, Hawaii.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 25, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065), the following control zone is added:

MOLOKAI, HAWAII

Within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius zone to 3½ miles west of the VORTAC, from 0700 to 1200 hours and from 1400 to 1800 hours local time daily.

2. In § 71.181 (31 F.R. 2149), the Molokai, Hawaii, transition area is amended to read:

MOLOKAI, HAWAII

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius area to 5 miles west of the VORTAC; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15, and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21°22'00" N., longitude 156°48'00" W., thence to latitude 21°14'00" N., longitude 156°31'30" W., thence to latitude 21°29'00" N., longitude 156°25'00" W., thence to latitude 21°31'00" N., longitude 156°34'05" W., thence to latitude 21°25'00" N., longitude 156°49'30" W., thence to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Honolulu, Hawaii, on October 7, 1966.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 66-11268; Filed, Oct. 14, 1966; 8:48 a.m.]

[Airspace Docket No. 66-CE-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

Correction

In F.R. Doc. 66-10899 appearing in the issue for Friday, October 7, 1966, at page 13038, in the third paragraph, the effective date "December 3, 1966" should read "December 8, 1966".

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

pH STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment increases the price of standard reference material 185d.

The following amends 15 CFR Part 230:

Section 230.8-1 *pH standards* is amended to increase the price of standard 185d as follows:

Sample No.	Kind	pH (S) (at 25° C)	Approximate weight in grams	Price
185d	Acid potassium phthalate.	4.004	60	$7.50

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959, 15 U.S.C. 275a)

Dated: October 5, 1966.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 66-11236; Filed, Oct. 14, 1966; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-220]

PART 1—GENERAL PROVISIONS

Ports of Entry

OCTOBER 7, 1966.

In recent years, there has been a trend for carriers of bonded merchandise in Pittsburgh, Pa., to move their truck terminals outside the existing port limits in order to avoid traffic congestion and resulting delays in delivering shipments to consignees. Therefore, in order to provide for customs services at these relocated terminals and service for other increased customs activities outside the existing port limits, it has been decided to extend the port limits of Pittsburgh, Pa.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of Pittsburgh, Pa., in the Philadelphia, Pa. district (Region III), comprising the area within the corporate limits of the city of Pittsburgh, Pa., are extended to include all of Allegheny County and that portion of Westmoreland County in the State of Pennsylvania bounded on the north and east by the Pennsylvania Turnpike, on the south by U.S. Route No. 30, and on the west and northwest by the Allegheny-Westmoreland County line.

Section 1.2(c) of the Customs Regulations is amended by inserting "(including the territory described in T.D. 66-220)" after "Pittsburgh, Pa." in the column headed "Ports of entry" in the Philadelphia, Pa., district (Region III).

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec 624, 46 Stat 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11249; Filed, Oct. 14, 1966; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

EVALUATION OF INCOME

In § 3.262, paragraphs (i) and (j) (2) and (3) are amended and paragraph (j) (4) is added to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(i) *Compensation (civilian) for injury or death.* (1) Compensation paid by the Bureau of Employees' Compensation, Department of Labor (of the United States), or by Social Security Administration, or by Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of

personal injury or death, less medical, legal, or other expenses incident to the injury or death or the collection or recovery of such moneys will be considered income as received, except as provided in subparagraph (2) of this paragraph.

(2) For pension, effective October 7, 1966, if payments based on permanent and total disability or death are received from the Bureau of Employees' Compensation, Social Security Administration or Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, there will be excluded 10 percent of the payments received after deduction of medical, legal and other expenses as authorized by subparagraph (1) of this paragraph. The 10 percent exclusion does not apply to damages collected incident to a tort suit under other than an employer's liability law of the United States or a political subdivision of the United States, or to determinations of dependency for compensation purposes or eligibility for dependency and indemnity compensation.

(j) *Commercial insurance.* * * *

(2) *Life insurance; general.* In determining dependency, or eligibility for dependency and indemnity compensation, or for pension under Public Law 86–211 (73 Stat. 432), the full amount of payments is considered income as received. For pension under Public Law 86–211, effective October 7, 1966, 10 percent of the payments received will be excluded.

(3) *Life insurance; protected pension.* For pension under laws in effect on June 30, 1960, 10 percent of the payments received will be excluded. Where it is considered that life insurance was received in a lump sum in the calendar year in which the veteran died and payments are actually received in succeeding years, no part of the payments received in succeeding years will be considered income until an amount equal to the lump sum face value of the policy has been received, after which 10 percent of the payments received will be excluded. The 10 percent exclusion is authorized effective October 7, 1966.

(4) *Disability, accident or health insurance.* For pension, effective October 7, 1966, there will be excluded 10 percent of the payments received for disability after deduction of medical, legal, or other expenses incident to the disability. For compensation or for dependency and indemnity compensation, after deduction of such expenses, the full amount of payments is considered income as received.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: October 7, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66–11251; Filed, Oct. 14, 1966; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 15—RADIO FREQUENCY DEVICES

Measurement Procedure

In the matter of amendment of § 15.75 of the Commission's rules and regulations to effect certain editorial changes therein.

1. On May 18, 1966, the Commission adopted an order amending § 15.75(b) of its rules by the addition of a new subparagraph (4) (31 F.R. 7469). As made clear in the order, the purpose of the amendment was to provide an alternate procedure for receiver radiation measurement, i.e., the procedure described in International Electrotechnical Commission (IEC) Publication 106 (1959) and Supplement 106A (1962).

2. The IEC publication also includes a procedure for measurement of conducted interference, which procedure has not as yet been correlated with other standard procedures. Through inadvertence, the new subparagraph (4) of § 15.75(b) included a reference to the measurement of conducted interference. The subparagraph is being amended herein to delete such reference. Further, with the elimination of the reference to conducted interference, the words, "For frequencies above 25 Mc/s" within the parentheses are no longer necessary, and are being deleted.

3. Since the amendments adopted herein are editorial in nature and serve only to clarify the intent of the prior order, compliance with the notice, procedural, and effective date provisions of the Administrative Procedure Act is unnecessary.

4. The amendment of § 15.75(b) (4) of the rules adopted herein is issued pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's Rules.

Accordingly, it is ordered, That, effective October 18, 1966, Part 15 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Adopted: October 12, 1966.

Released: October 12, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

Section 15.75(b) (4) is amended to read as follows:

§ 15.75 Measurement procedure.

* * * * *

(b) * * *

(4) International Electrotechnical Commission Publication No. 106 (1959) and Supplement 106A (1962) for measurement of radiated interference from broadcast receivers. (A conversion factor of 0.1 (—20 db) shall be applied to the measured values for comparison with the limits of § 15.63.)

NOTE: This publication and supplement may be purchased from the United States of America Standards Institute (formerly American Standards Association), 10 East 40th Street, New York, N.Y. 10016.

* * * * *

[F.R. Doc. 66–11272; Filed, Oct. 14, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mattamuskeet National Wildlife Refuge, N.C.; Correction

In F.R. Doc. 65–11847, appearing at page 13954 of the issue for November 4, 1965, subparagraph (1), should read as follows:

(1) The sport fishing season on the refuge extends from January 15, 1966, through November 6, 1966, except bank fishing along the causeway (State Route 94 crossing Mattamuskeet Lake) is permitted on a year-round basis up to a distance of 100 yards on each side of the road right-of-way.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66–11246; Filed, Oct. 14, 1966; 8:46 a.m.]

Proposed Rule Making

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. 253]

NOTICE OF INDEPENDENT ACTION; PUBLIC NOTICE OF TARIFF PUBLICATION PROPOSALS BY INDIVIDUAL CARRIERS WHERE PUBLICATION IS TO BE EFFECTED BY A RATE CONFERENCE

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of September, A.D. 1966.

Section 5a of the Interstate Commerce Act provides that the Commission, under such rules and regulations as it may prescribe, shall approve agreements entered into among two or more carriers relating to the joint consideration and initiation of rates, fares, classifications, divisions, allowances, or charges, provided that the furtherance of the national transportation policy requires that such agreements be relieved from the operation of the antitrust laws and that they are not otherwise prohibited by the Act. Many rate conference agreements, together with the rules, regulations, and internal procedures established by the individual conferences, have been approved.

It has been the Commission's consistent practice before approving a rate conference's procedures to require that they include effective means for giving public notice of proposed conference action. This may be done by publication in a transportation journal of general circulation or, in certain instances, by the conference's providing personal notice by mail to all persons requesting it.

Section 5a(6) of the Act provides:

> The Commission shall not approve under this section any agreement which establishes a procedure for the determination of any matter through joint consideration unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action either before or after any determination arrived at through such procedure.

In approving rate conference agreements, the Commission requires that the conference procedures specifically provide for complete freedom on the part of each carrier member to publish any rate or to initiate any practice independently of the conference. There can lawfully be no restraint imposed by a conference upon a carrier which would prevent its publishing its own schedules.

It is a common practice, however, for carriers proposing to take independent action to arrange for tariff publication through the rate conferences to which they belong. Moreover, it is also a common practice—and one which the Commission has approved—for the regulations and procedural rules of rate conferences to provide that, where a member wishes to proceed in this way, the conference will give notice to its other members. It is also common for such regulations to provide that the proposal will be published so as to be applicable to all the conference's members, except those notifying it of their desire to be excluded, or in the alternative, to any members notifying it of their desire to be included. For example, Rule 3.2 of the Code of Procedures for Rate Committees of the Middle Atlantic Conference provides:

> Where independent action is announced, notification will be given promptly by the publishing agent to competing and other interested carriers. Such notification, depending on the nature of the rate on which independent action is taken, will state whether or not it—
>
> (a) Will be published for the account of all carriers which do not within 10 days instruct otherwise, or
>
> (b) Will be published only for the account of the carrier taking independent action, unless within 10 days competitive carriers desire publication made also for their account.

This provision, among others, was approved by the Commission in 1951 in Middle Atlantic Conference—Agreement, 283 ICC 683.

The question has been raised whether a rate proposal which originates as the independent action of a single carrier but which is circulated by a rate conference to its members, subject to terms and conditions which could result in the proposal's being published for the account of such other carriers, actually remains the "independent action" of the initiating carrier; or whether it is, in fact, tantamount to a proposed "conference action" concerning which interested members of the general public are entitled to notice.

Upon consideration of the foregoing matters, and good cause appearing:

It is ordered, That a proceeding be, and it is hereby, instituted under Part I of the Interstate Commerce Act, and more particularly under sections 5a and 12(1) thereof, 49 U.S.C. §§ 5b and 12(1), to inquire into the operations of conferences, bureaus, committees, or other organizations the operations of which require approval by the Commission pursuant to section 5a of the Act, in order to determine whether it is necessary and desirable to adopt regulations requiring such organizations to establish procedures for giving public notice of proposals initiated by individual members, but in which other members are given the opportunity to join; and to take such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all conferences, bureaus, committees, or other organizations which operate pursuant to approval obtained from the Commission under section 5a of the Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearings be scheduled for receiving testimony unless the need therefor should later appear, but that respondents and any other interested person may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments and replies to such statements. All written statements and replies thereto will be considered as evidence and as part of the record in this proceeding.

Twenty-five copies of all initial written statements, the original of which shall be verified, shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before December 5, 1966.

Twenty-five copies of all reply statements shall be filed on or before January 4, 1967.

In order to save time and expense, all parties who have interests in common are urged to file joint statements.

Parties submitting written statements are particularly invited to express their views and opinions concerning the desirability and workability of the Commission's requiring every rate conference to adopt and abide by the following rule or a rule of similar effect:

> Where independent action is announced, and notification is given by the publishing agent to competing and other interested carriers, the subject proposal will be considered as constituting proposed conference action, and notification thereof will be given to all the same persons and in the same manner as is the case with respect to conference action.

And it is further ordered, That a copy of this notice and order be served upon all conferences, bureaus, committees, or other organizations which operate pursuant to approval obtained from the Commission under section 5a of the Act; that a copy be mailed to the Governor of every State and to the Public Utility Commission or Board, or similar regulatory body having jurisdiction over the rates and practices of rail, motor, and water carriers and freight forwarders; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

This is a list of the parties to be served with all statements and pleadings.

SERVICE LIST

Household Goods Carriers' Bureau, F. L. Wyche, Executive Secretary, 1424 16th Street NW., Washington, D.C. 20036.
Western Railroad Traffic Association, James M. Souby, Jr., Chairman and Counsel, Room 514, Union Station Building, Chicago, Ill. 60606.
Eastern Railroads, C. S. Baxter, Chairman, One Park Avenue, New York, N.Y. 10016.
Movers' & Warehousemen's Association of America, Inc., Carroll F. Genovese, Executive Secretary, Suite 1101 Warner Building, Washington, D.C. 20004.
Southern Freight Association, R. E. Boyle, Jr., Chairman, 101 Marietta Street Building, Atlanta, Ga. 30303.
Association of American Railroads, C. A. Lauby, Executive Vice-Chairman, Transportation Building, Washington, D.C. 20006.
National Bus Traffic Association, Inc., Rice, Carpenter & Carraway, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004.
Waterways Freight Bureau, Wesley A. Rogers, Chairman, Suite 711, 1319 F Street NW., Washington, D.C. 20004.
General Tariff Bureau, Inc., Kenneth L. Colchin, Manager, 818 Townsend Street, Post Office Box 1223, Lansing 4, Mich.
Interstate Freight Carriers' Conference, Inc., T. A. L. Loretz, 510 South Spring Street, Los Angeles, Calif. 90013.
North Atlantic Port Railroads, Joseph F. Eshelman, General Attorney, The Pennsylvania Railroad Co., 1740 Broad Street Station Building, Philadelphia 4, Pa.
Lake Coal Demurrage Committee, % Miss Mary Barrett, Secretary, Bessemer & Lake Erie Railroad Co., Greenville, Pa.
Atlantic-Gulf Coastwise Steamship Freight Bureau, W. S. Jermain, 140 Cedar Street, New York, N.Y.
Southwestern Motor Freight Bureau, Inc., J. D. Hughett, 4112 San Jacinto Street, Dallas, Tex. 75204.
Southern Ports Foreign Freight Committee, H. M. Engdahl, Chairman, Room 305 Union Station, 516 West Jackson Boulevard, Chicago, Ill. 60606.
Illinois Freight Association, H. R. Johnson, Chairman, Union Station Building, 516 West Jackson Boulevard, Chicago, Ill. 60606.
Pacific Inland Tariff Bureau, Inc., E. J. Barry, General Manager, 1732 N. W. Quimby Street, Portland, Oreg. 97209.
San Francisco Movers Tariff Bureau, William M. Larimore, Agent, 260 Califorina Street, San Francisco, Calif. 94111.
New England Motor Rate Bureau, Inc., 125 Lincoln Street, Boston, Mass. 02111.
Railroad Interterritorial Agreement, 301 Baltimore & Ohio Building, Baltimore, Md.
Midwest Motor Carriers Bureau, Inc., 807 Colcord Building, 15 North Robinson Street, Oklahoma City, Okla. 73102.
Middle Atlantic Conference, Post Office Box 10213, Washington, D.C. 20018.
Tobacco Transporters Association, C. F. Hardy, 314 South Seventh Street, Richmond, Va.
Chicago Suburban Motor Carriers, Association, Inc., W. B. Jeffrey, General Manager, 1957 Ridge Road, Homewood, Ill. 60430.
Columbia River Tariff Bureau, E. J. Berry, General Manager, 1100 Jackson Tower, Portland, Oreg.
Central States Motor Freight Bureau, Inc., 316 East Ohio Street, Chicago, Ill. 60611.
Oil Field Haulers Association, Inc., Post Office Drawer 647, Kansas City, Mo. 64141.
Oil Field Haulers Association, Inc., Post Office Office Box 488, Austin, Tex. 78767.
Wearing Apparel Carriers, Herman B. J. Weckstein, Attorney, 1060 Broad Street, Newark, N.J.
Southern Illinois Motor Rate Conference, L. K. Mocabee, 633 Collinsville Avenue, East St. Louis, Ill.
California Household Goods Carriers' Bureau, T. A. L. Loretz, Agent, 510 South Spring Street, Los Angeles, Calif. 90013.
Western States Movers' Conference, T. A. L. Loretz, Agent, 510 South Spring Street, Los Angeles, Calif. 90013.
Kansas Oil Field and Heavy Machinery Haulers, George D. Hutchins, Traffic Manager, Kansas Motor Carriers Association, 2900 South Topeka Boulevard, Topeka, Kans. 66611.
Great Lakes Freight Bureau, Inc., John Boland III, Chairman, c/o Boland & Carnelius, Marine Trust Building, Buffalo, N.Y.
Niagara Frontier Tariff Bureau, Inc., Gerald W. Vaillancount, 631 Niagara Street, Buffalo, N.Y.
Southern Motor Carriers Rate Conference, Inc., Post Office Box 7347, Station C, 1307 Peachtree Street NE., Atlanta, Ga. 30309.
Mississippi Valley Motor Freight Bureau, Inc., 415 Buder Building, Post Office Box 2104, St. Louis, Mo.
Eastern Central Motor Carriers Association, Inc. (The), Post Office Box 3600, Akron, Ohio 44310.
Central and Southern Motor Freight Tariff Association, Inc., Post Office Box 21143, Louisville, Ky. 40221.
Indiana Motor Rate and Tariff Bureau, Inc., 2011 North Meridan Street, Indianapolis, Ind. 46202.
Freight Forwarders Conference, Thomas M. Joseph, Executive Secretary, 9 Lincoln Avenue, Post Office Box 256, Rutherford, N.J.
Intercoastal Steamship Freight Association, Roy G. Banks, Chairman, 26 Broadway, New York, N.Y.
Heavy and Specialized Carriers Tariff Bureau, F. H. Floyd, 1616 P Street NW., Washington, D.C. 20030.
Motor Carriers Traffic Association, Inc., 2701 South Elm Street, Post Office Box 1500, Greensboro, N.C. 28206.
Machinery Haulers Association, A. R. Fowler, 2288 University Avenue, St. Paul, Minn.
Jamestown Area Furniture Haulers Association, Inc., 631 Niagara Street, Buffalo, N.Y. 14201.
Rocky Mountain Motor Tariff Bureau, Inc., Post Office Box 5746 Terminal Annex, Denver, Colo. 80217.
National Classification Committee, F. G. Freund, 1616 P Street NW., Washington, D.C. 20036.
Intermountain Tariff Bureau, Inc., Collier L. Allen, Post Office Box 686, Salt Lake City, Utah 84110.
Eastern Tank Carrier Conference, Inc., William M. Watt, 808 Warner Building, Washington, D.C. 20004.
Steel Carriers' Tariff Association, Inc., 16611 Chagrin Boulevard, Shaker Heights, Ohio 44120.
Equipment Interchange Association, 1616 P Street NW., Washington, D.C. 20036.
Western Tank Truck Carriers' Conference, Inc., Delmar S. Eno, 1077 South Gilpin Street, Denver, Colo.
Perishables Tariff Bureau, F. D. Dollarhide, 318 Cadiz Street, Dallas, Tex. 75207.
Western Motor Tariff Bureau, Inc., Post Office Box 3244, Huntington Park, Calif. 90258.
Motor Carrier Inter-Related Rate Agreement, Roland Rice, 1111 E Street NW., Washington, D.C. 20004.
Ohio Motor Freight Tariff Committee, Inc., Jesse L. Himmelreich, 40 West Gay Street, Columbus, Ohio 43215.
West Carriers Tariff Bureau, William M. Larimore, 260 California Street, San Francisco, Calif.
Pacific Motor Tariff Bureau, Inc., Daniel W. Baker, 11858 San Pablo Avenue, El Cerrito, Calif.
Texas Motor Express and Film Carriers Association, J. L. Burch, Jr., 1224 Milam Building, San Antonio, Tex.
Nationwide Household Movers Association, Robert E. Tate, Motor Carrier Consultants, Inc., 2031 Ninth Avenue South, Birmingham, Ala.
Mobile Housing Carriers Conference, Thomas F. Kilroy, Warner Building, 501 13th Street NW., Washington, D.C. 20004.
Hawaiian Freight Tariff Bureau, Inc., 760 Warehouse Street, Post Office Box 21283, Market Station, Los Angeles, Calif.
New York Movers Tariff Bureau, Inc., Beverley S. Sims, 612 Barr Building, 910 17th Street NW., Washington, D.C.
Alaska Carriers Association, Inc., Edward R. Sanders 1701 East First Avenue, Anchorage, Alaska.
Oil Capital Tariff Bureau, Inc., Grant M. Lankford, Post Office Box 15460, 4101 South 74th East Avenue, Tulsa, Okla. 74115.
National Association of Specialized Carriers, Inc., Mert Starnes, 5003 Jensen Drive, Post Office Box 16355, Houston, Tex.
Wyoming Trucking Association, Inc., Post Office Box 1889, Casper, Wyo. 82602.
Maine Motor Rate Bureau, Roland Rice, Rice, Carpenter & Carraway, 618 Perpetual Building, Washington, D.C. 20004.
Automobile Transporters Tariff Bureau, Inc., 3380 Penobscot Building, Detroit, Mich. 48226.

[F.R. Doc. 66-11261; Filed, Oct. 14, 1966; 8:47 a.m.]

[49 CFR Parts 95-97]

[Ex Parte No. 241]

RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Investigation of Adequacy; Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 3, held at its Office in Washington, D.C., on the 4th day of October A.D. 1966.

Upon consideration of the record in this proceeding and of the request of certain parties for postponement of the date for filing a reply statement to the statement of Witness Robinson; and good cause appearing:

It is ordered, That subparagraphs numbered 6 and 7 in the fourth ordering paragraph of the order of July 29, 1964 (29 F.R. 11653), as modified by the orders dated October 19, 1964 (29 F.R. 14754), October 12, 1965 (30 F.R. 13267), February 14, 1966 (31 F.R. 3081), and August 5, 1966 (31 F.R. 10853), be further modified to read as follows:

6. Prior to November 30, 1966, any party may file and serve replies to the statement of Witness Robinson. The date for filing replies to the other statements filed on July 1, 1966, is unchanged (October 15, 1966).

7. Prior to December 30, 1966, any party may file and serve a request for oral hearing, together with justification therefor. Any reply thereto must be filed and served prior to January 16, 1967.

It is further ordered, That all other provisions of the aforesaid order of

July 29, 1964, as modified, shall remain in full force and effect.

And it is further ordered, That a copy of this order be served upon those persons shown on the service list published with the order dated May 17, 1965; that a copy be posted in the office of the Secretary of this Commission, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11260; Filed, Oct. 14, 1966; 8:47 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 43]

MAIL DEPOSIT AND COLLECTION

Slip-Joint Construction of Mail Chutes

Notice is hereby given of proposed rule making consisting of a proposed amendment to Part 43 of Title 39, Code of Federal Regulations. The proposed amendment to § 43.6(c)(2(i) will require slip-joint construction of mail chutes to reduce manpower costs due to maintenance.

Although the procedures in 39 CFR Part 43 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to comment on the proposed amendments. Written data, views, and arguments may be filed with the Director, Delivery Services Branch, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments read as follows:

§ 43.6 Mail chutes and receiving boxes.

* * * * *

(c) *Specifications for construction of chutes.* * * *

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilence to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass not less than one-fourth inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein. Slip-joint construction shall be utilized whereby the upper section will fit into the end of the lower section providing an overlap of not less than 2 inches.

* * * * *

NOTE: The corresponding Postal Manual section is 153.632a.

(5 U.S.C. 301, 39 U.S.C. 501, 6001, 6003)

TIMOTHY J. MAY, *General Counsel.*

[F.R. Doc. 66-11265; Filed, Oct. 14, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 972]

VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

Notice of Rule Making With Respect to Termination of Marketing Agreement and Order

Notice is hereby given that the Secretary of Agriculture is considering termination of Marketing Order No. 972 (formerly Marketing Order No. 910) and Marketing Agreement No. 67. The marketing agreement and order (hereinafter referred to as "order") provide for the regulation of grades and sizes in handling cauliflower and fresh peas grown in the production area, the San Luis Valley, Colo. This order, in effect since August 9, 1936, was issued under the Agricultural Adjustment Act, as amended, and was continued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601, et seq.).

Prior to World War II, production and marketing of fresh peas and cauliflower were important both to San Luis Valley producers and to the late summer supply and market price structure for these commodities. They continued so after the war, with 6,400 acres in fresh peas in 1948 and 3,200 acres in cauliflower. Since then, with the advent of competition from frozen vegetables, production and marketing of fresh peas and cauliflower in the production area have declined rapidly, especially in the decade last past. Current reports indicate the San Luis Valley fresh pea production this season on not more than 100 acres and cauliflower on only about 10 acres.

The last grade and size regulations under this order were during the 1958 season. Neither the cauliflower marketing committee nor the fresh pea marketing committee have recommended any regulations since then. The relative significance of these two commodities is minimal both to the agricultural economy of the San Luis Valley and to the supply and marketing price structure for these crops.

Economic and marketing conditions for these two commodities indicate no existing or continuing need for this marketing order.

It is concluded, therefore, it should be terminated.

Consideration will be given to any data, views, or arguments pertaining to this notice which are filed with the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days following its publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the aforesaid Director, Fruit and Vegetable Division, during regular business hours (7 CFR 1.27(b)).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 12, 1966.

GEORGE L. MEHREN, *Assistant Secretary.*

[F.R. Doc. 66-11270; Filed, Oct. 14, 1966; 8:48 a.m.]

[7 CFR Part 991]

HANDLING OF HOPS OF DOMESTIC PRODUCTION

Date on Which Excess Hops Become Reserve; 1966 Crop

Notice is hereby given of a proposal, unanimously recommended by the Hop Administrative Committee. The proposal would permit hops baled, packaged, processed, or otherwise prepared for market, that are in excess of an effective individual producer annual allotment or the total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association to become reserve hops on November 15, 1966. The authorization for the proposal would be pursuant to § 991.39 of Marketing Order No. 991 (31 F.R. 9713, 10072), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 991.39 provides that in the absence of another prescribed date, the aforementioned hops become reserve hops on November 1. Because this is the initial year of program operations, certain producers will not receive their respective allotment bases until late October. Since the determination of the allotment base is necessary to finalize a producer's annual allotment, the late date will interfere with the producer's ability to fill production deficiencies as authorized by § 991.38(d), prior to November 1, the date excess hops would become reserve hops and subject to the applicable limitations.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than October 20, 1966. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.202 Date on which excess hops become reserve hops, 1966 crop.

Pursuant to § 991.39, hops of the 1966 crop, baled, packaged, processed, or

otherwise prepared for market that are in excess of an effective individual producer annual allotment or the total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association on November 15, 1966, shall be reserve hops.

Dated: October 14, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-11336; Filed, Oct. 14, 1966; 11:48 a.m.]

[7 CFR Parts 1067, 1102]

[Docket Nos. AO-222-A21, AO-237-A15]

MILK IN THE OZARKS AND FORT SMITH, ARK., MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, 2402 North College Street, Fayetteville, Ark., beginning at 10 a.m., local time, on November 2, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Ozarks and Fort Smith, Ark. marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals relative to a redefinition of the Ozarks and Fort Smith, Ark., marketing areas raises the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

OZARKS (ORDER NO. 67)

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers, Square Deal Milk Producers and Acee Milk Co.:

Proposal No. 1. Delete from § 1067.6 Ozarks marketing area, the Arkansas counties of Benton, Boone, Marion, and Washington.

Proposed by Foremost Dairies, Inc.:

Proposal No. 2. Extend the Ozarks marketing area to include the following counties, all in the State of Arkansas: Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone.

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers and Square Deal Milk Producers:

Proposal No. 3. Delete the proviso in § 1067.51(a), "Class prices", and substitute in lieu thereof the following: *"Provided,* That the price for fluid milk products delivered by handlers to the Fort Smith marketing area shall be priced at the Fort Smith Class I price less a location adjustment from point of delivery to the handlers pool plant location computed pursuant to § 1067.53."

Proposed by the Acee Milk Co., Fort Smith, Ark.:

Proposal No. 4. Delete the proviso in § 1067.51(a), "Class prices", and substitute in lieu thereof the following proviso: *"Provided,* That the price for Class I packaged milk and milk products delivered by handlers to the Fort Smith marketing area shall be priced at the Fort Smith Class I price."

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers and Square Deal Milk Producers:

Proposal No. 5. Delete all of paragraph (b) of Section 1067.82.

FORT SMITH, ARKANSAS (ORDER NO. 102)

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers, Square Deal Milk Producers, and Acee Milk Co.:

Proposal No. 6. Amend § 1102.6 *Fort Smith, Ark., marketing area,* to read as follows:

§ 1102.6 Fort Smith, Ark., marketing area.

Fort Smith, Ark., marketing area, means all territory within the counties of: Scott, Yell, Sebastian, Logan, Crawford, Franklin, Johnson, Washington, Madison, Benton, Carroll, and Boone all in the State of Arkansas.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrators, Fred L. Shipley, 2710 Hampton Avenue, St. Louis, Mo. 63139; and from Charles S. McDonald, Post Office Box 4225, Asher Avenue Station, Little Rock, Ark. 72204, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 11, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-11252; Filed, Oct. 14, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 66-221]

VERTICAL WATER WHEEL ELECTRICAL GENERATORS

Appraisement

OCTOBER 11, 1966.

Decision in C.A.D. 881, that a penalty constituted a reduction in the manufacturer's actual profit, limited.

In the case of English Electric Export & Trading Co., Inc., et al. v. United States, the U.S. Court of Customs and Patent Appeals stated, in a decision dated June 16, 1966, published as C.A.D. 881, that a penalty of $175,300 constituted a reduction in the manufacturer's actual profit and should have been subtracted from the appraised value, even though the transaction involving the penalty occurred after exportation.

No further judicial proceedings in connection with the case are contemplated. However, further judicial review of the point will be sought at an appropriate opportunity. Consequently, the decision shall be limited to the facts of the above case.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-11250; Filed, Oct. 14, 1966; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY ET AL.

Delegation of Authority Regarding Secrecy of Certain Inventions and Withholding of Patents

Delegations of authority to Secretaries of Army, Navy, and Air Force with respect to secrecy of certain inventions and withholding of patent.

The Secretary of Defense approved the following delegations of authority September 30, 1966:

Reference: DoD Directive 5535.2, dated July 15, 1953, published at 18 F.R. 4241 (hereby canceled).

I. *Delegation.* Under the provisions of section 133(d) of title 10, United States Code, I hereby delegate to the Secretary of the Army, Secretary of the Navy, and the Secretary of the Air Force, all powers conferred upon the Secretary of Defense by sections 181, 182, and 184 of title 35, United States Code, with respect to secrecy of certain inventions and withholding of patent. The said delegates may redelgate this authority to a patent advisory board under the management control of the Department of the Army.

II. *Cancellation.* The reference is hereby superseded and canceled.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, O A S D (Administration).

[F.R. Doc. 66-11267; Filed, Oct. 14, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Phoenix 085082]

ARIZONA

Order Providing for Opening of Lands

OCTOBER 7, 1966.

1. Pursuant to the Act of May 13, 1946 (60 Stat. 179), the following lands are opened to entry, subject to the terms and conditions cited below:

GILA AND SALT RIVER MERIDIAN

T. 24 N., R. 14 W.
Sec. 30, SW¼ and E½.

The area described aggregates 480 acres.

2. The lands are located in Mohave County. The soil is sandy loam. The topography is flat and rolling.

3. No application for these lands will be allowed under the homestead, desert land or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. This order shall become effective at 10 a.m. on November 12, 1966.

4. Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-11247; Filed, Oct. 14, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

ALASKA STEAMSHIP CO.

Bareboat Charters

Notice of tentative findings justifying the continuance of bareboat charters covering three C1-M-AV1 type Government-owned ships during calendar year 1967.

Notice is hereby given that the Acting Maritime Administrator has tentatively found, in accordance with section 5(e)(1), Merchant Ship Sales Act of 1946, as amended, that conditions exist justifying the continuance of the bareboat charters during calendar year 1967 of the Government-owned C1-M-AV1 type ships MS "Coastal Monarch," MS "Coastal Nomad," and MS "Coastal Rambler," presently under charter to Alaska Steamship Co., which are due for annual review on or about November 1, 1966.

Any interested person may request a hearing with respect to the Acting Administrator's findings by filing written objections, in triplicate, stating the reasons therefor, with the Secretary, Maritime Administration, Washington, D.C. 20235, within 10 days of the date of this notice.

The findings will become final if no objection or no request for a hearing is received.

Dated: October 11, 1966.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-11253; Filed, Oct. 14, 1966; 8:46 a.m.]

National Bureau of Standards

NBS RADIO STATION WWV, GREENBELT, MD.

Relocation to Fort Collins, Colo.

During the month of November 1966, a voice announcement will be made from WWV between 3 and 4 minutes after each hour giving notice of the relocation of WWV to Fort Collins, Colo., effective December 1, 1966.

Dated: October 5, 1966.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 66-11237; Filed, Oct. 14, 1966; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

BERNARD T. CRAUN

Redelegation of Authority With Respect to Low-Income Housing Demonstration Program

Bernard T. Craun is hereby authorized to exercise the following authority of the Secretary of Housing and Urban Devel-

opment with respect to the low-income housing demonstration program under section 207 of the Housing Act of 1961, as amended (42 U.S.C. 1436):

1. To execute contracts and contract amendments within the amounts and conditions of allocation orders approved by the Assistant Secretary for Demonstrations and Intergovernmental Relations.

2. To approve requisitions for funds, third-party contracts, and budget amendments.

(Secretary's delegation to Assistant Secretary for Demonstrations and Intergovernmental Relations effective July 1, 1966 (31 F.R. 9752, July 19, 1966))

Effective date. This redelegation of authority shall be effective as of October 15, 1966.

H. RALPH TAYLOR,
Assistant Secretary for Demonstrations and Intergovernmental Relations.

[F.R. Doc. 66-11283; Filed, Oct. 14, 1966; 8:49 a.m.]

HOWARD CAYTON OR DON I. PATCH

Redelegation of Authority With Respect to Urban Renewal Demonstration Program

Howard Cayton or in his absence Don I. Patch is hereby authorized to exercise the following authority of the Secretary of Housing and Urban Development with respect to the urban renewal demonstration program under section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a):

1. To execute contracts and contract amendments within the amounts and conditions of allocation orders approved by the Assistant Secretary for Demonstrations and Intergovernmental Relations.

2. To approve requisitions for funds, third-party contracts, and budget amendments.

(Secretary's delegation to Assistant Secretary for Demonstrations and Intergovernmental Relations effective July 1, 1966 (31 F.R. 9752, July 19, 1966))

Effective date. This redelegation of authority shall be effective as of October 15, 1966.

H. RALPH TAYLOR,
Assistant Secretary for Demonstrations and Intergovernmental Relations.

[F.R. Doc. 66-11284; Filed, Oct. 14, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-70]

GENERAL ELECTRIC CO.

Notice of Issuance of Amended Operating License

Please take notice that, no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5 to Facility License No. TR-1 to the General Electric Co. authorizing operation of the General Electric Test Reactor (GETR) located near Pleasanton, Calif., at power levels up to 50 Mwt with revised Technical Specifications for operation of the facility.

The amended operating license was issued substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER September 1, 1966, 31 F.R. 11558, except that in the Technical Specifications of the license typographical corrections were made, the stack limits set forth in Table I were converted from microcuries per milliliter to microcuries per second, and certain operating limitations were made more conservative.

Dated at Bethesda, Md., this 6th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11235; Filed, Oct. 14, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16864; FCC 66M-1368]

ARTHUR POWELL WILLIAMS

Order Continuing Prehearing Conference

In re application of Arthur Powell Williams, Docket No. 16864, File No. BR-1852, for renewal of license of Station KLAV, Las Vegas, Nev.

On the unopposed oral request of counsel for applicant: *It is ordered,* This 10th day of October 1966, that the prehearing conference is further rescheduled from October 14 to October 26, 1966, at 9:30 a.m., in Washington, D.C.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11273; Filed, Oct. 14, 1966; 8:48 a.m.]

[Docket No. 16722; FCC 66R-396]

BLACK HAWK BROADCASTING CO. (KWWL-TV)

Memorandum Opinion and Order Modifying Designation Order

In re application of Black Hawk Broadcasting Co. (KWWL-TV), Waterloo, Iowa, Docket No. 16722, File No. BPCT-3606; for construction permit.

1. The above-captioned application of Black Hawk Broadcasting Co. (KWWL-TV) for a construction permit to relocate its antenna site and make certain other changes in its television station at Waterloo, Iowa, was, subsequent to consideration of a petition to deny and other pleadings, designated for hearing by Commission order released June 24, 1966. WMT-TV, Inc., and the Association of Maximum Service Telecasters, Inc., were named parties respondent to the proceeding. Among the several issues designated the following are pertinent to our consideration here.

(1) To determine whether there is an area within which the applicant could locate its transmitter in conformity with all of the requirements of the Commission's rules and provide service to the public equivalent to that proposed in the application.

(4) To determine whether circumstances exist which would warrant a waiver of § 73.610(a) of the Commission's rules and, if so, to determine the necessary conditions to be met in order to assure that "equivalent protection" will be provided to Station KHQA-TV, Hannibal, Mo., on the basis of the standards set forth in Docket No. 13340.

The Commission in its fifth ordering clause specified that:

> The burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1 herein is placed on the parties respondent.

On July 14, 1966, WMT-TV, Inc., filed a motion to amend, modify or enlarge issues. On the same date Maximum Service Telecasters filed a motion which, by reference to the WMT-TV motion, seeks identical relief.[1] Both of the above-described motions will therefore be considered in this document. The parties respondent would have us delete Issue No. 1 in its entirety or modify it by deleting that part of the issue which would require a showing that the alternate site meeting the mileage separation would enable the applicant to provide service to the public equivalent to that afforded by the proposed application. If issue 1 is not deleted they would have us delete the ordering clause which places the burden of going forward and the burden of proof on the parties respondent. The parties respondent would also have us add an issue concerning the effect of the proposed move on the development of UHF television.

2. It is argued that Issue No. 1 is redundant, since all the evidence which would be introduced pursuant to issue 1 could also be introduced pursuant to is-

[1] The Review Board has for consideration the following pleadings: Motion to Review Board to amend, modify or enlarge issues, filed by WMT-TV, Inc., July 14, 1966; opposition by Black Hawk Broadcasting Co. to motions to amend, modify or enlarge issues, filed July 27, 1966; Broadcast Bureau's partial opposition to WMT's petition to amend, modify or enlarge issues, filed July 27, 1966; reply of WMT-TV, Inc., filed Aug. 4, 1966; motion to Review Board to amend, modify or enlarge issues, filed by Association of Maximum Service Telecasters, Inc., July 14, 1966; and reply of Association of Maximum Service Telecasters, Inc., filed Aug. 4, 1966.

sue 4. Moreover, the parties respondent note that in a similar recently decided case[2] the Commission included an issue identical to issue 4 but did not include an issue comparable to issue 1. They then argue that to include issue 1 in the present proceeding is arbitrary. In support of their contingent request to modify, they note that the Commission in the text of the designation order spoke in terms of alternate sites which permit the applicant "to achieve its objectives" or "to achieve its purposes" rather than "to provide service to the public equivalent to that proposed in the application," the language of the issue. Thus they argue the language of the issue was not fully considered by the Commission.

3. These arguments do not persuade the Board that the issue should be modified or deleted. The text of the designation order, supra, explicitly discusses the problems posed by the alternate sites question, and in paragraph 15 notes that:

> Having considered all of the matters raised by the pleadings, we find that, except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed.

The respondents have advanced no facts not set forth in the pleadings which were considered by the Commission at the time the matter was designated for hearing. The argument that it is a logical impossibility to provide "equivalent service" from different sites must fall because it stems from a literal reading of the issue, which is not warranted by the context in which the language is used. The meaning attributed to the critical phrase by the Bureau[3] is more appropriate in view of the context in which the words are used and established Commission practice.[4]

The arguments based on the WTCN case, supra, are likewise not persuasive. The crux of the matter is that, in the instant case, the Commission after carefully considering all of the facts and arguments, including citations to WTCN and other cases relied upon by respondents, which were set forth by the parties at great length in their prehearing pleadings, has concluded that it requires more detailed information concerning the alternate sites question than would be submitted pursuant to issue 4. It has therefore spelled out the specific questions contained in issue 1. The facts sought in issue 1 are relevant to a resolution of issue 4. In view of the foregoing, issue 1 will be neither modified nor deleted.

4. With respect to issue 1 there remains the request of the parties respondent that the burden of proof concerning issue 1 be shifted to the applicant. In support of this request they rely heavily upon the WTGN case, supra. In that case, on petition for reconsideration, the Commission reversed its prior holding to conclude that a showing with respect to alternate sites was appropriate in considering the propriety of a waiver of § 73.610. Among other things in discussing burden of proof the Commission there held that,

> where the applicant seeks waiver of our rules, * * * the applicant has the burden of proof on the question, if it is raised, as to whether there are other sites available which would equally serve the public interest and at the same time comply with our rules.

In view of this and other language in that case, we must agree with the Bureau, that in designating this matter the Commission inadvertently overlooked its ruling in the WTCN case to the effect, that the applicant has the ultimate burden of persuasion on this as on other aspects of the waiver question. This does not however necessitate a modification of the ordering clause with respect to going forward with the proof. Inasmuch as the respondents have urged that suitable alternate sites are available, it is appropriate that they be afforded an opportunity to submit proof of their allegations.[5] On the other hand, if the respondents submit such evidence and the applicant is unwilling to concede that alternate sites from which it can render service to the public "equivalent to that proposed in the application" are available, then it must ultimately persuade the Commission of the propriety of its position. The fifth ordering clause will therefore be modified leaving the burden of going forward with the proof pursuant to issue 1 on the parties respondent but to place the ultimate burden of proof on this aspect of the waiver question upon the applicant.

5. The parties respondent seek an issue to determine the effect of the KWWL–TV proposal on the development of UHF television. All of the pertinent matters concerning this question were fully developed in the prehearing pleading and were considered in paragraphs 12 and 13 of the Commission's memorandum opinion and order designating the matter for hearing. The Review Board will therefore not include the requested issue.

Accordingly, it is ordered, This 10th day of October 1966, that the motions to amend, modify or enlarge issues, filed July 14, 1966, by WMT–TV, Inc., and Maximum Service Telecasters, Inc., are granted to the extent indicated above, and are denied in all other respects; and

It is further ordered, That the fifth ordering clause in Commission order FCC 66–559 released June 24, 1966, be modified to read as follows: *"It is further ordered,* That the burden of proceeding with the introduction of evidence as to issue 1 is hereby placed on the parties respondent, but the ultimate burden of proof with respect thereto rests upon the applicant."

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11274; Filed, Oct. 14, 1966; 8:48 a.m.]

[Docket No. 16889; FCC 66M–1371]

HAWAIIAN PARADISE PARK CORP. AND FRIENDLY BROADCASTING CO.

Order Scheduling Hearing

In reapplication of Hawaiian Paradise Park Corp (Assignor), and Friendly Broadcasting Co. (Assignee), Docket No. 16889, File Nos. BALCT–293, BALTS–185; for assignment of licenses of Stations KTRG–TV and KUT–67, Honolulu, Hawaii.

It is ordered, This 4th day of October 1966, that Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 22, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 28, 1966, commencing at 9 a.m.: *And it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11275; Filed, Oct. 14, 1966; 8:48 a.m.]

[Dockets Nos. 16627, 16628; FCC 66M–1370]

PORTER COUNTY BROADCASTING CORP. AND NORTHWESTERN INDIANA RADIO CO., INC.

Order Regarding Procedural Dates

In re applications of Porter County Broadcasting Corp., Valparaiso, Ind., Docket No. 16627, File No. BPH–4972; Northwestern Indiana Radio Co., Inc., Valaparaiso, Ind., Docket No. 16628, File No. BPH–5045; for construction permits.

The Hearing Examiner having under consideration the petition for postponement of procedural dates filed by Porter County Broadcasting Corp. on October 7, 1966;

It appearing, that a joint petition has been filed with the Review Board seeking approval of an agreement for dismissal of the Northwestern Indiana Radio Co., Inc. application; and

It further appearing, that in the light of this action other parties have consented to a grant of the request; and

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[2] WTCN Television, Inc., 1 FCC 2d 337, 5 RR 2d 573 (1965).

[3] In discussing this matter in its opposition, the Bureau stated that "* * * the Commission wants to know whether the public benefits derived from a grant at an alternate site; namely, a predicted grade B signal to underserved areas, would be equal to or greater than the public benefits derived from a grant of KWWL's proposal."

[4] Cf. Mid-America Broadcasting System, Inc., 19 RR 599 (1959) and cases cited therein.

[5] See WTCN Television, Inc., 1 FCC 2d 337, at p. 339.

[6] Dissenting statement of Review Board Member Nelson, concurred in by Member Keesler, filed as part of original document.

It further appearing, that under the circumstances no purpose would be served in going forward with the hearing on engineering currently scheduled for October 11 and on nonengineering for October 18;

It is ordered, This 10th day of October 1966, that the hearing dates of October 11 and October 18 are canceled and hearing on the engineering issues will commence December 12, 1966, and will commence on nonengineering issues December 19, 1966.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11276; Filed, Oct. 14, 1966; 8:48 a.m.]

[Docket No. 16865; FCC 66M-1369]

VIDEO SERVICE CO.

Order Canceling Hearing

In re applications of Video Service Co., Atlanta, Ga., Docket No. 16865, File Nos. 1816/17-C1-P-66, CATV 100-101, for construction permits for new fixed (Video) Radio Stations at Lafayette and Waynetown, Ind. (KSQ-36 and KSQ-37).

The Hearing Examiner having under consideration a request for postponement of the hearing date now scheduled for November 2, 1966;

It appearing, That all parties requested this postponement at a prehearing conference held October 10 in order to permit action by the Commission on a petition for reconsideration;

It is ordered, This 10th day of October 1966, that the hearing date of November 2 is canceled and a further prehearing conference will be held December 15, 1966 at 10 a.m.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11277; Filed, Oct. 14, 1966; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17037]

AIR EXPRESS CHARGE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 17, 1966, is postponed to December 1, 1966, 10 a.m., e.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., October 12, 1966.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-11262; Filed, Oct. 14, 1966; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN AND AUSTRALIAN STEAMSHIP LINES JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7787-5 among the member lines of the American and Australian Steamship Lines Joint Service modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of ratemaking authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11278; Filed, Oct. 14, 1966; 8:49 a.m.]

MEMBER LINES OF ATLANTIC AND GULF/PANAMA CANAL ZONE, COLON AND PANAMA CITY CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. D. Marshall, 11 Broadway, New York, N.Y. 10004.

Agreement 3868-20, between the member lines of the Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference, will modify the basic agreement, as amended to date, to provide for on-carriage of cargo to Panama City and other Canal Zone points from Cristobal and Balboa by Panamanian Motor Carriers in addition to the Panama Railroad Company under the terms and conditions set forth in said agreement.

Dated: October 12, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11279; Filed, Oct. 14, 1966; 8:49 a.m.]

FEDERAL NEW ZEALAND LINES JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7786–2, among the member lines of the Federal New Zealand Lines Joint Service, modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of rate-making authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11280; Filed, Oct. 14, 1966; 8:49 a.m.]

FEDERAL NEW ZEALAND LINES ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Joint Service of Federal New Zealand Lines, Shaw Savill & Albion Co., Ltd., Port Line, Ltd., and Blue Star Line, Ltd.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., % Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 8535–4, among the member lines of the Joint Service of Federal New Zealand Lines, Shaw Savill & Albion Co., Ltd., Port Line, Ltd., and Blue Star Line, Ltd., modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of ratemaking authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11281; Filed, Oct. 14, 1966; 8:49 a.m.]

MANZ LINE JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7814–4 among the member lines of the Manz Line Joint Service, modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of rate-making authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11282; Filed, Oct. 14, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67–89]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 11, 1966.

Take notice that on October 4, 1966, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP67–89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale in interstate commerce of volumes of natural gas to a new industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 9,000 feet of 3½-inch line from Applicant's existing 18-inch line "L" with the necessary metering and regulating equipment, which will extend to the new plant facility of the Dow Chemical Co., near Magnolia, Columbia County, Ark.

Applicant estimated the natural gas requirements of the new service to be approximately 3,400 Mcf per day and approximately 1,125,000 Mcf per year.

The total estimated cost of construction is $27,980, which will be obtained from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11239; Filed, Oct. 14, 1966; 8:45 a.m.]

[Project No. 2604]

CONNECTICUT LIGHT & POWER CO.

Notice of Application for License for Constructed Project

OCTOBER 10, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the Connecticut Light & Power Co. (correspondence to: Vincent J. Hayes, Vice President, the Connecticut Light & Power Co., Post Office Box 2010, Hartford, Conn. 06101), for constructed Project No. 2604, known as Bulls Bridge Project, located on the Housatonic River, near Gaylordsville, in the towns of New Milford and Kent.

The existing Bulls Bridge Project consists of: (1) Two dams—(a) a cyclopean concrete gravity-arch dam, on the east channel, about 203 feet long and 24 feet high with an overflow spillway 195 feet long; and (b) a masonry gravity dam, on the west channel, about 156 feet long and 17 feet high with an overflow spillway 120 feet long topped by 3-foot flashboards; (2) a reservoir at elevation 354 feet about 4.5 miles long with an area of about 120 acres and a gross storage of 1,800 acre feet of which 233 acre feet, at a drawdown of 2 feet, is normally used; (3) canal spillways consisting of two gated sections and two overflow sections; (4) a headgate structure controlling flow into the canal; (5) a power canal about 2 miles long; (6) a 6-acre forebay; (7) a forebay intake structure with penstock gates; (8) two steel penstocks about 420 feet long; (9) two steel surge tanks 96 and 98 feet in height, respectively; (10) a powerhouse containing six 2,000 hp. turbines each connected to a generator rated at 1,400 kw.; (11) an indoor substation containing six 1.15–27.6 kv transformers; and (12) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 30, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11240; Filed, Oct. 14, 1966; 8:45 a.m.]

[Docket No. RP66–4]

FLORIDA GAS TRANSMISSION CO.

Order Prescribing Hearing Procedure

OCTOBER 10, 1966.

Florida Gas Transmission Co. (Respondent), on August 16, 1965, tendered for filing First Revised Sheets Nos. 27 and 63 to its FPC Gas Tariff, Original Volume No. 2, to become effective October 1, 1965, proposing an increase in its transportation rates and charges of approximately $1,732,000 annually over the rates currently in effect, based on data for the year ended May 31, 1965, as adjusted.

The Commission, on September 30, 1965, ordered a hearing on the lawfulness of Respondent's rates, charges, classification and services as proposed to be amended. It also suspended and deferred the use of the proposed tariff changes until November 1, 1965, and provided for filing of a motion required by section 4(e) of the Natural Gas Act, with the agreement and undertaking described in paragraph (D) of the order. The motion and agreement and undertaking were filed on October 18, 1965.

Florida Public Utilities Commission filed a notice of intervention. Petitions to intervene were filed by Mobil Oil Corp. (formerly Socony Mobil Oil Co., Inc.), Florida Power & Light Co., Sun Oil Co., and Florida Power Corp. The Commission permitted participation of the four above-named petitioners in this proceeding by order issued October 21, 1965.

Our order issued September 30, 1965, also stated that the dates service of testimony by the Commission staff and interveners, the date for a prehearing conference, and the designation of the Presiding Examiner would be specified by a later order of the Commission.

The Commission orders:

(A) Pursuant to the Commission's rules of practice and procedure, particularly §§ 1.27, 1.30(j), and 3.4(e)(6) thereof, Presiding Examiner William L. Ellis shall preside at the prehearing conference hereinafter provided, and at subsequent prehearing conferences and hearings which he may deem appropriate in these proceedings and to render an Initial Decision on all issues.

(B) Florida Gas shall serve its complete case-in-chief on all issues upon all parties of record, including the Commission Staff, on or before November 7, 1966.

(C) All other parties of record, including the Commission Staff, desiring to present evidence on any issue shall serve their testimony and exhibits on or before December 19, 1966.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.s.t., on January 11, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of defining the issues, reaching an agreement and stipulation thereon and on any facts relevant to this matter, and, if necessary, to prescribe procedure for hearing herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11241; Filed, Oct. 14, 1966; 8:45 a.m.]

[Project No. 2606]

GREEN MOUNTAIN POWER CORP.

Notice of Application for License for Constructed Project

OCTOBER 10, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Green Mountain Power Corp. (correspondence to: Glen M. McKibben, President, Green Mountain Power Corp., 1 Main Street, Burlington, Vt. 05401) for constructed Project No. 2606, known as Montpelier Project, located on the Winooski River, in the city of Montpelier, towns of Berlin and East Montpelier, in Washington County, Vt.

The existing Montpelier Project consists of: (1) A concrete gravity-type dam about 22 feet high and 213 feet long in three sections: (a) An abutment about 25 feet long, (b) a spillway 152 feet long with 3-foot flashboards, and, (c) a waste-gate-and-intake section 36 feet long; (2) a reservoir at normal elevation 613.2 feet containing a surface area of about 7 acres; (3) a steel penstock 2,918 feet long in three sections: (a) 7-foot diameter, 987 feet long, (b) 6.5-foot diameter, 1,010 feet long, and (c) 6-foot diameter, 921 feet long; (4) a reinforced-concrete-brick powerhouse containing two generating units, each rated at 300 kw, totaling 600 kw; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 30, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11242; Filed, Oct. 14, 1966; 8:45 a.m.]

[Docket Nos. G–18313, CP66–172]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 10, 1966.

Take notice that on October 4, 1966, Midwestern Gas Transmission Co. (Petitioner), Post Office Box 774, Chicago, Ill. 60690, filed in Docket Nos. G–18313 and CP67–172 a petition to amend the orders issued in the said dockets on October 31, 1959, and March 25, 1966, respectively by requesting authorization to extend the term of the contract dated March 25, 1966, between Petitioner and Trans-Canada Pipe Lines, Ltd. (Trans-Canada), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The order of March 25, 1966, in Docket No. CP66–172, et al., authorized Petitioner to sell up to 25,000 Mcf of natural gas per day to its existing northern system customers on an interruptible basis for a term ending on October 31, 1966. That order also, by further amending paragraph (M) of the Commission's order issued October 31, 1959, in Docket No. G–18313, et al., as amended by order issued August 10, 1965, in Docket No. CP64–308, et al., authorized Petitioner to import on an interruptible basis up to 25,000 Mcf of natural gas daily from Trans-Canada during the same term.

Petitioner commenced service to its northern system customers as authorized and commenced the importation of natural gas as authorized from Trans-Canada. Recently Petitioner has received requests from its northern customers for an extension of the availability of the interruptible service after October 31, 1966.

Accordingly, Petitioner specifically requests that the Commission's order of March 25, 1966, in Docket No. CP66–172,

et al., be amended to extend the term of such authorization for a period terminating on November 1, 1967, and that the Commission order of October 31, 1959, in Docket No. G–18313, et al., be further amended to authorize the continued importation of 25,000 Mcf per day of natural gas on an interruptible basis for the same term.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11243; Filed, Oct. 14, 1966; 8:45 a.m.]

[Docket No. G–11260]

PECOS CO.

Notice of Petition To Amend

OCTOBER 10, 1966.

Take notice that on August 19, 1966, Pecos Co. (Petitioner), El Paso Natural Gas Building, El Paso, Tex. 79999, filed in Docket No. G–11260 a petition to amend the order issuing a certificate of public convenience and necessity to Hunt Oil Co. (Operator) in said docket by authorizing Petitioner in lieu of Hunt Oil Co. to sell natural gas to El Paso Natural Gas Co. from the Wilshire Gasoline Plant, Upton County, Tex., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes to sell natural gas at a rate of 18.2430 cents per Mcf at 14.65 psia pursuant to a contract on file with the Commission as Hunt Oil Co. (Operator) FPC Gas Rate Schedule No. 31. Said rate is in effect subject to refund in Docket No. RI65–74 and Petitioner has filed a motion to be made co-respondent in said proceeding and has submitted an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 3, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11244; Filed, Oct. 14, 1966; 8:45 a.m.]

[Dockets Nos. CP61–203, CP64–5]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

OCTOBER 10, 1966.

Take notice that on October 4, 1966, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 2521, Houston, Tex. 77001, filed in Dockets Nos. CP61–203 and CP64–5 a petition to amend the orders issued in the said dockets on December 17, 1962, and December 19, 1963, respectively, by requesting authorization to sell to Mount Carmel Public Utilities Co. (Mount Carmel) a portion of the natural gas authorized to be sold under these orders to the city of Grayville, Ill. (Grayville), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in Docket No. CP61–203 Petitioner was ordered to deliver up to 3,570 Mcf per day of natural gas to Grayville which was to distribute it to Mount Carmel. Subsequently, the allocation of natural gas to Grayville to meet the requirements of Grayville and Mount Carmel was increased by 1,830 Mcf per day to a total of 6,419 Mcf per day by the order issued December 19, 1963, in Docket No. CP64–5, allotments for the sole use of Grayville having been made in separate orders.

Petitioner specifically requests the Commission to allocate the existing authorized sales of natural gas to Grayville in the total amount of 6,419 Mcf per day between Grayville and Mount Carmel so as to authorize Petitioner to sell a total of 1,647 Mcf per day to Grayville and 4,772 Mcf per day to Mount Carmel commencing November 1, 1966. Natural gas will be delivered to Mount Carmel at the existing point of delivery by Petitioner to Grayville and Grayville will continue to transport natural gas to Mount Carmel.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11245; Filed, Oct. 14, 1966; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, as amended by Public Law 89–485 (12 U.S.C. 1843(c)(8)), and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by The First Virginia Corp., Arlington, Va., a bank holding company, for a determination that the proposed additions to the insurance activities of its nonbanking subsidiaries, First Virginia Life Insurance Agency, Inc. and First General Insurance Agency, Inc., are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the ownership of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c)(8) of the Bank Holding Company Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on November 1, 1966, at 10 a.m., at the offices of the Board of Governors of the Federal Reserve System, Washington, D.C., before a hearing examiner selected by the Civil Service Commission, pursuant to section 3344 of Title 5 of the United States Code, such hearing to be conducted according to the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That, on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Richmond, Richmond, Va., on or before October 28, 1966, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely request will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 10th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66–11269; Filed, Oct. 14, 1966; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1970]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Order Exempting Sale of Shares

OCTOBER 11, 1966.

Notice is hereby given that Broad Street Investing Corp. ("applicant"), 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6 (c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at net asset value, without a sales charge, in exchange for the assets of Nichols Securities Corp. ("Nichols") as more fully described below. The shares of applicant are offered to the public at a price which includes a sales charge in addition to the net asset value.

All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Nichols, incorporated in Missouri in 1922, is an investment company having 31 stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Prior to April 30, 1964, Nichols was engaged in the aluminum fabricating business and on such date sold substantially all of its assets and business. Since that date it has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between applicant and Nichols, substantially all of the cash and securities owned by Nichols, with a value of approximately $3,452,092 as of June 13, 1966, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Nichols to be transferred to applicant by the net asset value per share of the applicant, both to be determined as of valuation time, as defined in the transfer agreement. If the valuation under the agreement had taken place on June 13, 1966, Nichols would have received 225,480 of applicant's shares. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Nichols the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to Nichols' stockholders on the liquidation of Nichols. The applicant has been advised by the management of Nichols that, to the best of its knowledge, none of the stockholders of Nichols has any present intention of redeeming or otherwise transferring any significant number of shares of the applicant to be received on such liquidation.

No affiliation exists between Nichols or its officers, directors or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. The Board of Directors of the applicant approved the agreement as being in the best interest of its shareholders, taking all relevant considerations into account, including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 27, 1966, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11286; Filed, Oct. 14, 1966; 8:49 a.m.]

[File No. 70-4417]

MISSISSIPPI POWER & LIGHT CO.

Notice of Filing of Amendment to Declaration

OCTOBER 12, 1966.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), Jackson, Miss., an electric utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed with this Commission an amendment to its declaration in this proceeding increasing from $7 to $10 million the principal amount of first mortgage bonds proposed to be issued and sold at competitive bidding. Notice of filing of the declaration was issued September 28, 1966 (Holding Company Act Release No. 15570). The amendment states that the increase in the principal amount of bonds to be issued is necessitated by an estimated increase of approximately $1,100,000 in Mississippi's 1966 construction program and by current conditions regarding short-term bank borrowings for interim financing of the program.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11287; Filed, Oct. 14, 1966; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1426]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69044. By order of October 7, 1966, the Transfer Board approved the transfer to Rabe Bros., Inc., Richmond Hill, N.Y., of the operating rights in certificate No. MC-75488, issued December 16, 1959, to George F. Meyer, doing business as Rabe Brothers, Richmond Hill, N.Y., authorizing the transportation, over irregular routes, of household goods between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia. Irving Abrams, Brodsky, Linett, and Altman, 1776 Broadway, New York, N.Y. 10019, attorneys for applicants.

No. MC-FC-69086. By order of October 7, 1966, the Transfer Board approved the transfer to Bortner Bus Co., a corporation, Rural Delivery No. 1,

Sharpsville, Pa., of the certificates in Nos. MC–111191 and MC–111191 (Sub-No. 1), issued November 15, 1950, and January 19, 1956, respectively, to Paul Bortner, Rural Delivery No. 1, Sharpsville, Pa., the former authorizing the transportation of passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at points in that part of Mercer County, Pa., on and west of U.S. Highway 19 and extending to points in Ohio, those in that part of New York on and west of a line extending from Olcott southerly along New York Highway 78 to East Aurora, N.Y., and thence along New York Highway 16 to the New York-Pennsylvania State line, and points in that part of West Virginia on and north of U.S. Highway 50; and, the latter authorizing the transportation of passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, over regular routes between Grove City, Pa., and Sharon, Pa., serving all intermediate points.

No. MC–FC–69089. By order of October 7, 1966, the Transfer Board approved the transfer to Flash Bonded Warehouse, Inc., 320 Northeast 75th Street, Miami, Fla. 33138 of License No. MC–12071 and certificate No. MC–17609 issued July 11, 1940, and February 16, 1942, to Flash Bonded Storage Co., Inc., 320 Northeast 75th Street, Miami, Fla. 33138, said license authorizing the holder to engage in brokerage operations in arranging for the transportation of: Household goods between points in Florida, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Missouri, Wisconsin, and the District of Columbia. The operating rights in the certificate covering the transportation of: Household goods, over irregular routes, between Miami, Fla., on the one hand, and, on the other, points and places within 10 miles of Miami, including Miami.

No. MC–FC–69108. By order of October 7, 1966, the Transfer Board approved the transfer to Lester M. Gundrum and Charles Bothwell, a partnership, doing business as P. & E. Buehler Trucking, Troy, N.Y., of the operating rights of Lester M. Gundrum, doing business as P. &. E. Buehler Trucking, Troy, N.Y., in certificate No. MC–115059 and certificate of registration No. MC–115059 (Sub-No. 2), issued April 11, 1955, and amended June 24, 1960, and May 26, 1964, respectively, issued in the name of Ernest P. Buehler and Lester M. Gundrum, a partnership, doing business as P. & E. Buehler Trucking and acquired the name of Lester M. Gundrum, doing business as P. & E. Buehler Trucking pursuant to No. MC–FC–68897 approved July 14, 1966, effective August 17, 1966, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Cherryplain, N.Y., and Albany, N.Y., and in certificate of registration authorizing the transportation, of general commodities as defined in the contemporaneously effective order of the New York Public Service Commission in case MT–4467, between the hamlet of Cherryplain (Rensselaer County) and the city of Albany, and between the city of Troy and the hamlet of Averill Park (Rensselaer County) via N.Y. 66, and returning via the same route; cut piece goods, in shipper's containers, from the city of Troy to the village of Cobleskill (Schoharie County); and children's dresses in shipper's containers, from the village of Cobleskill (Schoharie County) to the city of Troy. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC–FC–69109. By order of October 7, 1966, the Transfer Board approved the transfer to Dickinson's Express, Inc., Canaan, Conn., of the operating rights of William M. Balch, Jr., and Carl D. Currier, Jr., a partnership, doing business as Dickinson's Express, North Canaan, Conn., in certificate of registration No. MC–121331 (Sub-No. 1), issued January 27, 1964, authorizing the transportation of general commodities, other than household goods and office furniture and equipment, and other than commodities which necessitate the use of tank trucks, dump trucks or special equipment, over regular routes, from Sharon to New Haven via Canaan, Winsted and Waterbury, serving Sharon, Kent, Cornwall, Salisbury, Canaan, North Canaan, Norfolk, Winsted, Torrington, Litchfield, Thomaston, Watertown, Waterbury, Naugatuck, Bethany, East Haven, West Haven, Hamden, North Haven, and New Haven. Miss Catherine G. Roraback, Post Office Box 935, Canaan, Conn. 06018, attorney for applicants.

No. MC–FC–68970. By order of September 29, 1966, the Transfer Board approved the transfer to Skyline Transport, 4501 Curtis Avenue, Baltimore, Md. 21225, of the portion of the operating rights in certificate No. MC–59292, issued April 19, 1966, to the Maryland Transportation Co., a corporation, 1111 Frankfurst Avenue, Baltimore, Md. 21225, authorizing the transportation of: Molasses, in bulk, in tank vehicles, from Baltimore, Md., to points in Delaware, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, liquid and invert sugar, in bulk, in tank vehicles, from Baltimore, Md., to points in New Jersey, Delaware, Pennsylvania, Ohio, and North Carolina, with no transportation for compensation on return except as otherwise authorized.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11255; Filed, Oct. 14, 1966; 8:46 a.m.]

[Notice 1426–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1966.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC–FC–69178. By application filed October 4, 1966, IRA E. JOHNSON, 2405 Redwood Street, Amarillo, Tex., seeks temporary authority to lease the operating rights of LOWAL LEON HAND, doing business as LOWAL HAND TRUCKING COMPANY, 112 North Hoy Street, Buffalo, Okla., under section 210 a(b). The transfer to IRA E. JOHNSON, of the operating rights of LOWAL LEON HAND, doing business as LOWAL HAND TRUCKING COMPANY, is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11256; Filed, Oct. 14, 1966; 8:46 a.m.]

[Notice 270]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 12, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 115523 (Sub-No. 132 TA), filed October 10, 1966. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Post Office Box 1895, Salt Lake City, Utah 84116. Applicant's representative: Franklin D. Johnson, 422 Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth, in bulk, and in bags*, from Clark

and Colado, Nev., to points in Wyoming, Idaho, Utah, and Montana, for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 124926 (Sub-No. 3 TA), filed October 10, 1966. Applicant: DIXON BROS., Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Ward A. White, Post Office Box 568, 1600 Van Lennen Avenue, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, on flatbed equipment only, from Newcastle, Wyo., to points in Iowa, for 180 days. Supporting shipper: Berman Forest Products, Post Office Box 490, Newcastle, Wyo. 82701. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, D. & S. Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 128634 TA, filed October 10, 1966. Applicant: FIRST SCOTT STREET CORPORATION, 249 Schweizer Place, Detroit, Mich. 48226. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to points in Ohio, Pennsylvania, New York, New Jersey, Vermont, Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island, Maryland, District of Columbia, Delaware, Virginia, and West Virginia, for 180 days. Supporting shipper: Great Markwestern Packing Co., 1825 Scott Street, Detroit, Mich. 48207. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11257; Filed, Oct. 14, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 12, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40738—*Liquefied petroleum gas from Melstone, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 436), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Melstone, Mont., to points in southwestern and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 11 to Trans-Continental Freight Bureau, agent, tariff ICC 1741.

FSA No. 40739—*Beet or cane sugar from Hereford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8906), for interested rail carriers. Rates on beet or cane sugar, dry, in bulk, in carloads, from Hereford, Tex., to East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 58 to Southwestern Freight Bureau, agent, tariff ICC 4514.

FSA No. 40740—*Rates from and to points in Kansas and Nebraska.* Filed by Chicago, Rock Island & Pacific Railroad Co. (No. 901), for itself and interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, between points in Kansas and Nebraska on the CRI&P RR., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—Abandonment of a portion of Chicago, Rock Island & Pacific Railroad Co. between Horton, Kans., and Jansen, Nebr., under authority of ICC Finance Docket No. 23748.

FSA No. 40741—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 583), for interested rail carriers. Rates on brick and related articles; newsprint paper and corn oil, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 58 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40743—*Soda ash from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A4950), for interested rail carriers. Rates on soda ash, in carloads, from Saltville, Va., to Fairburn, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 66 to Southern Freight Association, agent, tariff ICC S-517.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40742—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 584), for interested rail carriers. Rates on dried beans, lentils, or peas, iron or steel articles, brick and related articles, newsprint paper and corn oil, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 58 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11258; Filed, Oct. 14, 1966; 8:47 a.m.]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809 and 31 F.R. 930) during the 6 months' period ended July 2, 1966.

REVISED LIST OF SECURITIES

A.T. & T.
I.T. & T.
Scott Paper.
Continental Can.
Control Data.
Minnesota Mining & Manufacturing.
Monarch Equity Realty Investment.
Nationwide Corp.
United Aircraft Products.

RAYMOND R. MANION.

JULY 2, 1966.

[FR. Doc. 66-11259; Filed, Oct. 14, 1966; 8:47 a.m.]

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